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OF POLITICAL AND SOCIAL SCIENCE

POSTWAR RECONSTRUCTION IN  
WESTERN GERMANY

VOLUME 260

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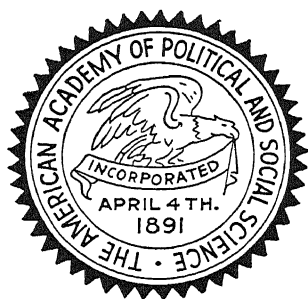
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# THE ANNALS

*of The American Academy of Political  
and Social Science*

THORSTEN SELLIN, *Editor*



## POSTWAR RECONSTRUCTION IN WESTERN GERMANY

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# CONTENTS

	PAGE
FOREWORD . . . . .	vii

## PROBLEMS OF LAW AND GOVERNMENT

STATUS AND DEVELOPMENT OF CONSTITUTIONAL LAW IN GERMANY . . . . .	<i>Adolf Arndt</i> 1
PARTIES AND PARTY SYSTEMS IN POSTWAR GERMANY . . . . .	<i>Dolf Sternberger</i> 10
ADMINISTRATION OF JUSTICE IN GERMANY . . . . .	<i>Georg-August Zinn</i> 32
DENAZIFICATION . . . . .	<i>Artur Strater</i> 43

## ECONOMIC LIFE

THE ECONOMIC SITUATION IN GERMANY . . . . .	<i>Walter Eucken and Fritz W. Meyer</i> 53
FINANCIAL SITUATION AND CURRENCY REFORM IN GERMANY . . . . .	<i>Franz Blucher</i> 63
THE STATE OF GERMAN AGRICULTURE . . . . .	<i>Constantin von Dietze</i> 74
TRANSPORTATION IN POSTWAR GERMANY . . . . .	<i>Fritz Busch</i> 80
LABOR AND TRADE UNIONISM IN GERMANY . . . . .	<i>Fritz Tarnow</i> 90

## SOCIAL WELFARE

DEMOGRAPHIC CHANGES IN POSTWAR GERMANY . . . . .	<i>Heinz Sauermann</i> 99
REFUGEES: BAVARIA, 1947 . . . . .	<i>Wolfgang Janicke</i> 108
GERMAN SOCIAL WELFARE AFTER THE CURRENCY REFORM . . . . .	<i>Wilhelm Polligkeil</i> 115
SOCIAL INSURANCE IN GERMANY . . . . .	<i>Rudolf Wissell</i> 118
RESTITUTION FOR VICTIMS OF NAZI PERSECUTION . . . . .	<i>Philipp Auerbach</i> 131
CRIMINAL LAW AND CRIMINALITY IN GERMANY OF TODAY . . . . .	<i>Adolf Schonke</i> 137

## RELIGIOUS AND CULTURAL INSTITUTIONS

RELIGION IN GERMANY . . . . .	<i>Helmut Thielicke</i> 144
THE UNIVERSITIES . . . . .	<i>Walter Hallstein</i> 155

## BIBLIOGRAPHY

A LIST OF POLITICAL, LEGAL, AND ECONOMIC JOURNALS . . . . .	<i>Josef Mackert</i> 168
---	--------------------------

## BOOK DEPARTMENT

ALINGTON, C A. <i>Europe: 3000 Years of European History</i> . Joseph S. Roucek . . . . .	182
ANCHIERI, ETTORE. <i>Costantinopoli e gli stretti nella politica russa ed europea</i> . Philip E. Mosely . . . . .	186
ARNALL, ELLIS GIBBS. <i>What the People Want</i> . George C. Osborn . . . . .	216
BAKKE, E. WIGHT, and CLARK KERR. <i>Unions, Management and the Public</i> . Witt Bowden . . . . .	229
BARNARD, CHESTER I. <i>Organization and Management: Selected Papers</i> . W N. Mitchell . . . . .	234
BARON, SALO WITTMAYER. <i>Modern Nationalism and Religion</i> . Boris Erich Nelson . . . . .	191
BRINTON, CRANE. <i>From Many One: The Process of Political Integration and the Problem of World Government</i> . Frank M. Russell . . . . .	194
BROWN, G. GORDON. <i>Law Administration and Negro-White Relations in Philadelphia</i> . Joseph D. Lohman . . . . .	239
CARR, E. H. <i>International Relations Between the Two World Wars (1919-1939)</i> . Frederick L. Schuman . . . . .	190
CHAPIN, F. STUART. <i>Experimental Designs in Sociological Research</i> . Torigny T. Segerstedt . . . . .	219
CLARK, TOM C., and PHILIP B. PERLMAN. <i>Prejudice and Property: An Historic Brief Against Racial Covenants</i> . Bernard F. Cataldo . . . . .	240
COTTRELL, LEONARD S., JR., and SYLVIA EBERHART. <i>American Opinion on World Affairs in the Atomic Age</i> . Harwood L Childs . . . . .	208

	PAGE
CRANKSHAW, EDWARD <i>Russia and the Russians.</i> Charles Prince . . . . .	184
CROWTHER, GEOFFREY. <i>The Economic Reconstruction of Europe</i> Norman S Buchanan	179
DOOB, LEONARD W. <i>Public Opinion and Propaganda</i> Herbert Hyman . . . . .	201
DURAND, JOHN D. <i>The Labor Force in the United States, 1890-1960.</i> Carroll R. Daugherty . . . . .	233
FAIRBANK, JOHN KING. <i>The United States and China.</i> Ardath W. Burks . . . . .	213
FLORENCE, P. SARGANT, assisted by W BALDAMUS. <i>Investment, Location, and Size of Plant: A Realistic Inquiry into the Structure of British and American Industries</i> Dexter S Kimball . . . . .	233
FRIEDRICH, CARL J. <i>Inevitable Peace.</i> Peter H. Odegard . . . . .	192
— and Associates. <i>American Experiences in Military Government in World War II.</i> Sydney Connor . . . . .	175
GLENN, JOHN M., LILIAN BRANDT, and F EMERSON ANDREWS <i>Russell Sage Foundation, 1907-1946 (Two Volumes).</i> Geoffrey May . . . . .	235
GOLDMANN, FRANZ. <i>Voluntary Medical Care Insurance in the United States.</i> Alfred Manes . . . . .	236
GOODBAR, JOSEPH E, and LORENZO U. BERGERON. <i>A Creative Capitalism.</i> Horace M Gray . . . . .	224
GRAHAM, MALBONE W. <i>American Diplomacy in the International Community</i> Louis Martin Sears . . . . .	210
HASKINS, GEORGE L. <i>The Growth of English Representative Government</i> R F. Tre-harne . . . . .	199
HEINIG, KURT. <i>Das Budget (First installment).</i> Gerhard Colm . . . . .	200
HERSKOVITS, MELVILLE J. <i>Man and His Works: The Science of Cultural Anthropology.</i> Cora Du Bois . . . . .	204
HSU, FRANCIS L. K. <i>Under the Ancestors' Shadow Chinese Culture and Personality.</i> David Cheng . . . . .	188
<i>Income, Employment, and Public Policy: Essays in Honor of Alvin H. Hansen</i> A. B. Wolfe . . . . .	230
KELLY, ALFRED H., and WINFRED A. HARBISON. <i>The American Constitution: Its Origins and Development</i> Homer C. Hockett . . . . .	212
KERWIN, JEROME G. (Ed.). <i>Civil-Military Relationships in American Life.</i> Logan Wilson . . . . .	211
KILLINGSWORTH, CHARLES C. <i>State Labor Relations Acts: A Study of Public Policy.</i> Dale Yoder . . . . .	231
KNAPPEN, MARSHALL. <i>And Call It Peace.</i> Boris Erich Nelson . . . . .	176
KNOX, DUDLEY W. <i>A History of the United States Navy.</i> Richard C. Haskett . . . . .	218
KULISCHER, EUGENE M. <i>Europe on the Move: War and Population Changes, 1917-47.</i> Frank Lorimer . . . . .	182
KUPER, HILDA. <i>The Uniform of Colour: A Study of White-Black Relationships in Swaziland.</i> H A. Wieschhoff . . . . .	237
LAUTERBACH, ALBERT. <i>Economic Security and Individual Freedom: Can We Have Both?</i> Robert J. Harris . . . . .	227
LA VIOLETTE, FORREST E. <i>The Canadian Japanese and World War II.</i> William C. Smith . . . . .	236
LEWIN, KURT. <i>Resolving Social Conflicts.</i> Jessie Bernard . . . . .	203
LEWIS, M. M. <i>Language in Society: The Linguistic Revolution and Social Change.</i> John F. Cuber . . . . .	222
LIPSON, LESLIE. <i>The Politics of Equality: New Zealand's Adventures in Democracy.</i> C Hartley Grattan . . . . .	228
MARION, GEORGE. <i>Bases and Empire: A Chart of American Expansion.</i> Harry Elmer Barnes . . . . .	217
MATTHIESSEN, F O. <i>From the Heart of Europe.</i> Frank J. Lewand . . . . .	183
MOSCOW, WARREN. <i>Politics in the Empire State.</i> Belle Zeller . . . . .	212
MURALT, LEONARD VON. <i>From Versailles to Potsdam.</i> Translated from the German by Heinrich Hauser. Ralph H. Lutz . . . . .	179
NAIDU, B. V. NARAYANASWAMY. <i>State and Economic Life (Sir Kikabhai Premchand Readership Lectures).</i> John F. Cronin . . . . .	223

	PAGE
NAMIER, L. B. <i>Diplomatic Prelude, 1938-1939</i> . Preston Slosson . . . . .	189
NICHOLS, ROY FRANKLIN. <i>The Disruption of American Democracy</i> . Alphonse B Miller	214
PARK, NO-YONG <i>The White Man's Peace. An Oriental View of Our Attempts at Making World Peace</i> . Oscar I. Janowsky . . . . .	194
PIERCE, JOSEPH A. <i>Negro Business and Business Education</i> . Abram L Harris . . . . .	238
PUNER, HELEN WALKER <i>Freud: His Life and His Mind</i> . Fritz Schmidl . . . . .	202
PURCELL, VICTOR. <i>The Chinese in Malaya</i> . Lennox A. Mills . . . . .	187
RECASÉNS SICHES, LUIS, CARLOS COSSIO, JUAN LLAMBIAS DE AZEVEDO, and EDUARDO GARCÍA MAYNEZ. <i>Latin-American Legal Philosophy</i> . Lino J. Saldaña . . . . .	190
ROBSON, WILLIAM A. <i>The Development of Local Government</i> . Lawrence Pelletier . .	201
ROSS, ARTHUR M. <i>Trade Union Wage Policy</i> . Witt Bowden . . . . .	229
ROSSITER, CLINTON L. <i>Constitutional Dictatorship: Crisis Government in the Modern Democracies</i> . Charles W Shull . . . . .	198
SALTER, ARTHUR. <i>Personality in Politics: Studies of Contemporary Statesmen</i> . Paul Knaplund . . . . .	196
SALTER, LEONARD A, JR. <i>A Critical Review of Research in Land Economics</i> . John D Black . . . . .	222
SAMUELSON, PAUL A. <i>Economics, An Introductory Analysis</i> . Lewis H. Haney . . . .	221
SAVETH, EDWARD N. <i>American Historians and European Immigrants, 1875-1925</i> J. P. Shalloo . . . . .	209
SCHAFFNER, BERTRAM. <i>Father Land: A Study of Authoritarianism in the German Family</i> . Clifford Kirkpatrick . . . . .	177
SIEGRIED, ANDRÉ. <i>The Mediterranean</i> . Translated from the French by Doris Hemming Joseph J Mathews . . . . .	185
SMITH, T LYNN. <i>Population Analysis</i> . Frank H Hankins . . . . .	205
STIGLER, GEORGE J. <i>Trends in Output and Employment</i> . Carroll R Daugherty . . .	232
STIMSON, HENRY L, and McGEORGE BUNDY. <i>On Active Service in Peace and War</i> . George C Osborn . . . . .	197
STOCKING, GEORGE W., and MYRON W. WATKINS. <i>Cartels or Competition? The Economics of International Controls by Business and Government</i> . Myron L. Hoch . .	226
SWARD, KEITH. <i>The Legend of Henry Ford</i> . George C. Osborn . . . . .	207
SYDNOR, CHARLES S. <i>The Development of Southern Sectionalism, 1819-1848</i> . (Volume V of <i>A History of the South</i> .) J. Fred Rippy . . . . .	215
UNITED NATIONS, DEPARTMENT OF ECONOMIC AFFAIRS. <i>Economic Report: Salient Features of the World Economic Situation, 1945-1947</i> . Howard S. Ellis . . . . .	180
——— <i>Survey of the Economic Situation and Prospects of Europe</i> . J. Richard Huber	178
VANDENBOSCH, AMRY, and SAMUEL J. ELDERSVELD. <i>Government of the Netherlands</i> . Albert Hyma . . . . .	199
VAUGHAN, WAYLAND F. <i>Social Psychology: The Science and the Art of Living Together</i> . Edward Joseph Shoben, Jr. . . . .	204
WALDO, DWIGHT. <i>The Administrative State: A Study of the Political Theory of American Public Administration</i> . James C. Charlesworth . . . . .	206
WALLACE, HENRY A. <i>Toward World Peace</i> . Clarence E. Pickett . . . . .	196
WECTER, DIXON. <i>The Age of the Great Depression, 1929-1941</i> . Malcolm M. Willey . .	218
WHITE, LEONARD D. <i>The Federalists: A Study in Administrative History</i> . Alfred H. Kelly . . . . .	207
WINSLOW, E. M. <i>The Pattern of Imperialism: A Study in the Theories of Power</i> . Hans Kohn . . . . .	225
WOLF, CHARLES, JR. <i>The Indonesian Story: The Birth, Growth and Structure of the Indonesian Republic</i> . Lennox A. Mills . . . . .	187
WRIGHT, GORDON. <i>The Reshaping of French Democracy</i> . R. K. Gooch . . . . .	181
INDEX . . . . .	245

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## FOREWORD

IN the past twenty years we have occasionally published issues dealing with the current problems of some foreign country. Two of the most recent ones have been devoted to a survey of the impact of enemy occupation on the social life of a defeated nation (*The Netherlands During German Occupation*, Vol. 245, May 1946, edited by N. W. Posthumus) and to a study of the postwar adjustment of a liberated country (*Belgium in Transition*, Vol. 247, September 1946, edited by Smith Simpson). The issue now in your hands presents some of the difficulties and struggles of a defeated people which, while under the occupation of the armies of the victors, is somehow trying to rebuild its ruined material and spiritual life.

Like the earlier volumes mentioned, this one has been written in the country involved. It has been edited by Professor Adolf Schönke, eminent jurist and professor of law at the University of Freiburg i. Br. Dr. Schönke planned the volume at our invitation and selected the authors, who, with two exceptions, submitted manuscripts written especially for this issue. It is unfortunate that Dr. Schönke found it impossible to secure any author from the eastern zone. The discussion therefore centers almost exclusively on the problems of western Germany. Lack of space has prevented the inclusion of articles on all aspects of the reconstruction processes, and illness on the part of some contributors has resulted in last-minute gaps which could not be satisfactorily filled. Nevertheless, we hope that the reader of this issue will gain some insight into the current attitudes and efforts of the German leadership in the western zones.

The articles arrived during July and August 1948. They were translated by Mrs. Maria Aschaffenburg, Dr. Otto Pollak, and Dr. Leo Fishman. The translation and editing of the manuscripts have been made doubly difficult by the absence of any uniform terminology in documents on Germany issued by our Government.

THORSTEN SELLIN



# Status and Development of Constitutional Law in Germany

By ADOLF ARNDT

**E**VEN before the guns were silenced, Hans Kelsen (formerly of the University of Vienna, now at the University of California) had raised the question of the status of constitutional law in Germany and its future. Starting from his pure theory of law which identifies the state with the law, and from his particular concept of sovereignty according to which only states can be subjects of international law, Kelsen contends that Germany disappeared through its unconditional surrender (*debellatio*). Hence the war is finished, the conclusion of a peace treaty is not necessary, and the power of the German state is replaced by a condominium of the four occupying powers represented by the Allied Control Council.

From this theory Kelsen draws a two-fold conclusion: first, a partition of German territory and cessions thereof need no treaty with Germany, and, second, there is no continuity between the German Reich and one or more future German states, as the latter can be created only by an act of the occupying powers; hence, a future German government will not have to take political responsibility at home for harsh peace terms, as was the fateful situation after 1918.

Neither international law decisions,<sup>1</sup> doctrines,<sup>2</sup> nor state administrations have followed this theory of Kelsen, especially as no power so far considers the war as finished *de jure*, and as the thesis of the four-power condominium can no longer be sustained, since the

Control Council in Berlin has practically ceased to exist. Nobody, moreover, contends that the Italian state has disappeared, although her forces too surrendered unconditionally. Most legal authorities in Germany itself hold that Germany still exists as a state. They deduce this opinion especially from the "Declaration regarding the defeat of Germany" of June 5, 1945 and the Potsdam "Report on the Tripartite Conference of Berlin" of August 2, 1945. These documents make clear that the Allies "assume supreme authority with respect to Germany," but that the assumption of this authority is solely "for the purposes stated above," that it "does not effect the annexation of Germany," and that consequently "Germany as a whole" is treated both as an object of administration and as a subject of obligations.

## NATIONALISM VERSUS INTERNATIONALISM

To get a clear view of the German problem one must recognize the irreconcilable antithesis between nationalistic thinking and international thinking.

Thinking in terms of national states is collectivistic and positivistic. It regards states as sovereign indissoluble atoms in a universe of nations and as creators of their own as well as of interstate laws. It can conceive of war only as a conflict between states, which afterwards remain either victorious states or vanquished states. It considers law equivalent to justice, and hence looks on Hitler's "Third Reich" as being the German state and his violent measures as the order in force in Germany. From this point of view it can neither be un-

<sup>1</sup> Kings Bench Division in London; Superior Court, Zurich; Austrian Federal Court.

<sup>2</sup> Oppenheim-Lauterpacht, Sauser-Hall, Ernst Cohn, F. A. Mann.

derstood nor justified that the Allies in Germany declined to apply the Hague Convention on the laws of land warfare and that they set up the International Military Tribunal in Nuremberg and then their own military courts to pass judgment on war criminals.

The international thoughtway, on the other hand, starts from the point that the world of today is "one world" and has become economically and technically indivisible. Therefore, man and his law, i.e. democracy, is indivisible. To this way of thinking, states cannot be victors or vanquished. Rather across the states, so to say, one must distinguish between men who are right and men who are wrong, between democrats and their opponents, and recognize that the rights of men are inalienable and are the only standard of measurement. This mentality is fully aware that the progressive internationalization of the economy is bound to be followed by the internationalization of states, and that democracy can no longer exist as a pure formality, but must find expression substantially through economic freedom and social justice.

It is no mere chance that the physical phenomenon of the first smashing of the atom coincides with the political phenomenon of the first smashing of a nation. The confusion in Germany came into being because nationalistic and internationalistic thoughtways got mixed up and because people tried to achieve international aims through nationalistic methods, and democracy through dictatorship. As a result, Germany—according to the words of the American author James P. Warburg—has changed "into a moral quagmire and an economic desert." Inside the German frontiers there is a juridical vacuum, a space without legality. This cannot be better characterized than through the words of the reply which

the Chief Mayor of Essen received on October 23, 1947 from the Regional Commissioner to the petition sent to General Robertson with reference to the dismantling of the Krupp Works: "Supreme authority in Germany is exercised by the Four Commanders in Chief. . . . In view of the supreme authority vested in them, there is no limit in their powers save those which they choose to adopt."

This complete absence of any legal rights for human beings in Germany renders it meaningless to raise the question concerning the present status and development of constitutional law. This absence of legal rights in Germany has been a fact since May 8, 1945, to an extent of which the world can have no idea, because Germany—to quote a Swiss author, Zbinden—has been hermetically separated from the rest of the world like a giant cage. From the viewpoint of national states, one can no longer speak of a German state.

If we think in an international way, the situation appears quite different. According to international thoughtways, the sovereignty of the national state is an anachronism, so that immediate rights and duties of man become effective, and nonsovereign states conceivably would function as organs of the universal (world-federal) community. Germany could become the first model of such a state of a new order, if she is not debased to the status of a proletarianized white colony.

#### ILLEGALITY OF NAZI REGIME

As a state, Germany had become deformed even before 1945. Thanks to international trials like the Tillessen case before the French Tribunal Général in Rastatt (Baden) and the Goering case before the International Military Tribunal in Nuremberg, it has been shown that Hitler usurped power in Germany through violence and fraud

and that his power was always illegal and illegitimate. Consequently, there was never *de jure* a "National Socialist state" or a "Third Reich," but only a National Socialist tyranny in the German state, which even according to German law was and continued to be criminal.

Rightly, therefore, Roosevelt on October 21, 1944 and Jackson at Nuremberg stressed that one cannot accuse the German people as such. Roosevelt stated on February 13, 1944 that Germany was one of the states assailed and looted by Hitler and that Hitler came into power through terror and remained in power through terror. More than one instance in world history since 1945 teaches us how impossible it is for a people to show open resistance against a totalitarian despotism. Such resistance is strangled not only by unrestrained force but also by "the propaganda of lies" which hides "the criminal plots of the inner circle of aggressors even from many state officials," as stated in the Nuremberg decision of December 3-4, 1947, of the American Military Tribunal No. III, page 96.

Similarly, Churchill in October 1946 stated in the House of Commons that there had been in Germany an opposition that ranked with the greatest and noblest ever produced by any people; these men fought without help from within or without their country, supported only by their own consciences; they were unknown while they lived, because they had to camouflage themselves; but in their death their resistance was revealed.

The lives lost by the members of the internal German resistance movement were more numerous than the losses of the American Army.

From the viewpoint of international thinking, Cordell Hull, on July 23, 1942, correctly characterized the Second World War as "not a war of na-

tion against nation." At least it was not only a war for power between states, which may result in the complete outlawry of the vanquished, but an international civil war over the rights of men, an intervention recognized as permissible by the classic doctrine of Hugo Grotius.

#### OCCUPATION AS A TRUSTEESHIP

In this sense one cannot admit that the use of power by the military commanders in Germany is unlimited save for the limits they themselves adopt; on the contrary, it must be said that the power they exercise is the inalienable power of the German people. It does not belong to the commanders as such, and they can use it only as trustees within the limits set by the purposes of international intervention, as recognized in international law. This character of trusteeship attaching to the exercise of power by the occupation forces has been especially stressed by the Swiss teacher of international law, Sauser-Hall. As a statesman, the British minister Lord Pakenham has recognized it in saying: "Our role in Germany is that of a trustee, and I have to remind you again and again that each German is a human being as we, ourselves, are human beings . . . it is our duty to express this idea of trusteeship by effective forms of administration."

The character of the occupation as a trusteeship was unambiguously stressed by the American Military Tribunal No. III also, in the decision in the trial of the lawyers (page 9), when the court declined to be bound by the rules of the Hague Convention on land warfare, but by no means concluded that therefore the people of Germany had no legal rights or that the supreme authority of the Commanders in Chief placed "no limit in their powers save those which they choose to adopt." Quite the contrary, the court declared that "a cate-

goric human obligation of much greater scope is imposed on the occupying powers, to wit, the reorganization of government and industry. . . ." Instead of that, Directive JCS 1067 of the Government of the United States directed General Eisenhower to "take no steps (a) looking toward the economic rehabilitation of Germany, or (b) designed to maintain or strengthen the German economy." This directive, valid for two years, is still in force.

The above directive has cost the American taxpayers a great deal of money. No adequate thanks could be given by the Germans for this great international help, because up to now nobody has been qualified to speak in the name of Germany; nor could this enormous financial aid save the people of western Germany, cut off from the agricultural surplus regions in the east, from chronic famine making initiative and work impossible.<sup>3</sup>

Although there was very valuable preparation going on in the United States even during the war, especially by the Federal Council of the Churches of Christ in America under the leadership of John Foster Dulles, and although the Report on the Tripartite Conference of Berlin of August 2, 1945 expressly stated as a task of the occupation "to prepare for the eventual re-

construction of German political life on a democratic basis and for eventual peaceful cooperation in international life by Germany," constitutional development in Germany has not yet moved in this direction, even under the aegis of the Marshall plan. It is disastrous that the Allies erroneously believed that the German people consisted of only National Socialists and "werewolves," while in reality the overwhelming majority of the people longed for liberation from the yoke of Hitlerian slavery, and that democrats become discouraged by the daily "object lessons in dictatorship" which they have been receiving since 1945.

#### LEGAL VACUUM CREATED

Under these circumstances the constitutional developments in Germany have remained since 1945 at an almost exclusively formal level and have tended to dissolve rather than to democratize Germany.

The Military Surrender of May 8, 1945 (which, as proved by Sauser-Hall and Zinn, had exclusively military significance) was to have been followed for "Germany as a whole" by a "general instrument of surrender" of a political nature "imposed by the United Nations." (The United Nations have as yet not undertaken this task.) On the basis of the Report on the Tripartite Conference of Berlin of August 2, 1945, "Germany shall be treated as a single economic unit"; and according to the Statements of June 5, 1945, "within her frontiers as they were on 31st December, 1937" she should be governed in "the chief questions affecting Germany as a whole" by the Control Council, which the four Commanders in Chief of the American, British, French, and Russian forces would form. That too has not been realized, for economic unity is impossible without political unity. Economic unity was destroyed

<sup>3</sup> A French prosecutor before the International Military Tribunal in Nuremberg accused defendants of the war crime of allotting only 1,800 calories per day in occupied France from 1940 to 1942, and of reducing the allotment after 1942 to 1,700 and down to only 900 calories, while a man needs 3,000, or with heavy work 4,000-5,000 calories. (Vol. VI of the official German edition of the proceedings, pp. 58-59.) For years after the war a great part of the German population received practically no more than 900 to 1,000 calories, and even in June 1948 the "normal consumer" was entitled to not more than 1,500 calories of food, very low in protein. But since a constitutional development is impossible without an economic one, the general lethargy and agony are explained by this catastrophic situation.

from the very beginning by the decision to take reparations by zones.

Furthermore, an unsolvable conflict of interests was inevitable so long as the four governments of Great Britain, France, the Soviet Union, and the United States were to exercise the sovereign power of their respective countries while acting together as trustees of German sovereignty. The four Commanders in Chief necessarily felt as governors representing their respective governments, instead of acting together in the office of high commissioners who are independent and responsible only to the United Nations and bound by their trust to the German people.

The consequence was that Poland annexed the territory up to the Oder-Neisse boundary, and France the Saar district; moreover, that military demarcation lines became the political boundaries of the zones, on the principle of "*cuius regio, illius religio*"; and that Germany as a whole lost her political will power and became economically unfit to live, while remaining for the present world powers a source of conflicts of tremendous potential explosiveness. The currency reform begun in the three western zones on June 20, 1948, subsequently in the eastern zone, and dually in a Berlin controlled by four powers, has made evident the breakup of Germany and the untenability of a condition created by a legal vacuum.

All this flows from the paradoxical attempt to re-establish the human rights violated by Hitler by withholding these very rights from the Germans, and to carry out the internationalization of German constitutional law by ways and means appropriate to the nationalistic state, with the result that the power interests of each state are given preference over the task of operating an international intervention as a trusteeship.

Contrasted with this general situa-

tion, developments in the individual zones are of minor importance.

#### THE UNITED STATES ZONE

In the American occupation zone the states of Bavaria, Hesse, and Württemberg-Baden were created through the proclamation of General Eisenhower of September 19, 1945, and provisional state governments were set up. After local elections, state assemblies were elected on June 30, 1946 for the purpose of drafting constitutions. They convened in Munich, Stuttgart, and Wiesbaden, and drafted constitutions under great pressure for time, as the military governments had set a deadline. The draft constitutions were accepted in a general plebiscite in December 1946 and went into force. The election and the plebiscite were the only possibilities of popular participation, for a public opinion could not be created. Even today there is no free and independent German press. There are only local newspapers, licensed by the military government, which license can be repealed at any time. These newspapers are, therefore, strictly dependent on the Military Government.

Under these conditions the three state constitutions could be nothing but miniature reproductions of the formal democracy of the Weimar Republic. They rest on the principle of the separation of powers, and have even introduced independent state courts for the review of legislation. Yet the judicial power, which is backward in Germany, albeit so necessary for the protection of democracy, is hampered in its free evolution, because the Control Council has by law transferred jurisdiction in labor cases to special courts and because the American Military Government has imposed on the states of Bavaria, Württemberg-Baden, and Bremen a law creating an administrative court.

It is true that the constitutions solemnly profess a democracy which responds to the convictions of an overwhelming majority of the people, and that they define the rights of men and of citizens in numerous sections; but all these liberties to which they are pledged can but remain on paper, in an unbearable contrast with reality. They are unbelievable, especially for youth, so long as the laws of the occupation forces are superior to the constitutions and find their limits only where they are fixed by the occupying powers, and so long as the basic freedoms of person, speech, and property are consequently nonexistent. Especially has criticism of the occupying powers and their policies been prohibited hitherto by a law of the Control Council. Since January 7, 1948, in the American zone the liberty of the person is guaranteed somewhat in the manner of the habeas corpus procedure, through Ordinance No. 23 enacted by the Military Government and entitled "Relief from Unlawful Restraints of Personal Liberty."

### *Democracy unrealized*

All the pressing problems of democracy in Germany are unsolved by these state constitutions, and hardly touched, especially problems such as the regulation of the party system and the resultant difficulties for parliamentarism, and the integration of the state economy. Sound as may be the idea of a "grass-roots democracy" of federalism, it is doomed to remain sterile as long as the states are not integrated in a German Union of States and in a United Europe, for Bavaria, Württemberg-Baden, and Hesse are much too small to master such tasks. Hesse alone has dared, in spite of increasing resistance from the Military Government, to approach some of these questions, prescribing in her constitution the socialization (*not* state ownership) of basic industries and rec-

ognizing the right of labor to take part in decisions through factory councils.

This Hessian legislation is built on the idea that if liberty is to survive, the new order must include a new economic order. Democracy is more than the franchise. The totality of the state must be replaced by the totality of man, to whom it must guarantee a life worth living according to the dictates of his conscience. On the basis of the constitutions, legislatures are elected, and state administrations set up under parliamentary control.

By virtue of Proclamation No. 4 of the Military Government of March 1, 1947, which added the Hanseatic City of Bremen as a fourth state, the states now have unlimited right of legislation, but their constitutions recognize that they are but members of the whole German state. The Military Government would, in fact, not permit the legislatures to deal with subjects concerning Germany as a whole.

### *South German State Council*

Since the end of 1945 the Ministers-President of the states (four since Bremen was added) have been formed into the South German State Council with its seat in Stuttgart. This Council is authorized by the Military Government to enact uniform state laws by unanimous decision after having consulted a "Parliamentary Advisory Council" selected by the legislatures. These uniform laws are superior to the legislation of the states and even to the state constitutions.

This co-ordinated legislation has had excellent results. It has also afforded the Ministers-President an opportunity to have direct contact with the Office of Military Government (U. S.) in Berlin (abbreviated OMGUS) through the Regional Co-ordinating Committee of the Military Government, and occasionally to meet the Military Governor per-



sonally at the monthly meetings. Otherwise, true to the habits of a military dictatorship, the zone commanders are unapproachable, and the state governments deal only with the military governments in Munich, Stuttgart, Wiesbaden, and Bremen.

In view of the new bizonal organization in Frankfurt, the South German State Council will be dissolved in the summer of 1948.

#### THE BRITISH ZONE

The states created by the Control Commission in the British occupation zone—North Rhineland-Westphalia (capital, Düsseldorf), Lower Saxony (Hanover), Schleswig-Holstein (Kiel), and the Hanseatic City of Hamburg—differ from the states in the American zone in that they do not have any constitutions as yet; in that state parliaments have been elected, but the state governments have to be approved by the local Regional Commissioner; and finally, in that the power to legislate is extremely circumscribed by Ordinance No. 57. Apart from the states there is a zonal authority—the Central Department of Justice—in Hamburg, with its own authoritarian right to legislate in matters of justice. There is no organization corresponding to the South German State Council. Delegates from the state parliaments are organized into a Zonal Advisory Council in Hamburg, which cannot enact laws but has to advise the Military Government, especially concerning the approval of the regulations of the Central Department of Justice.

#### COMBINED ECONOMIC AREA

The failure of political efforts to coordinate the policies of the occupation, as well as the interests of the United States in participating in the control of the Ruhr area, brought about the agreement of May 29, 1947 between the

American and British zone commanders, who created the "Combined Economic Area" through identical legislation in order to unite the American and the British occupation territory, if not politically and judicially, at least economically. For the time being the German Bizonal Administration consists of the Economic Council, the State Council, and the Executive Committee. The Economic Council is composed of 104 representatives selected by the legislatures through indirect elections. The State Council is a second chamber (a House) to which each of the eight state governments sends two members. Besides the right to initiate legislation in general, the State Council has only a veto on the laws adopted by the Economic Council, which can overrule this veto by a simple majority of the legal number of its members.

The Bizonal Administration is superior to state laws and state constitutions in making laws in the domains of economy, postal service, communications, and food, lately also of labor, but not yet of taxation. Not only is the Bizonal Administration based on the law of occupation, but the laws enacted by it are not German laws, but only laws for Germans. They take effect only by the approval of the Bipartite Board formed by both Military Governments, and cannot be declared invalid by the German High Court for the Combined Economic Area in Cologne, a court set up to decide controversies between the Bizonal Administration and the states.

As the Combined Economic Area is neither a state nor a union of states, its legislation is but the emanation of the occupying power. This is also true of its administration; while the Executive Committee—consisting of six Directors of the Bizonal Departments for Economics, Finances, Communications, Postal Service, Food, and Labor, and their chairmen—is elected by the Eco-

nomic Council and confirmed by the state council, it can only be set up or dismissed by action of the Bipartite Board. The members of the High Court are also nominated by the Military Governors.

Apart from the fact that the members of the Economic Council do not have even the most primitive facilities for work and that the amount of work to be done, often with an early deadline, is overwhelming, it must be stressed that the responsibility of the Bizonal Administration is only a fictitious one, because it lacks, *de jure* and *de facto*, any influence on the decisive questions concerning currency, coal and steel production, and imports and exports. The Economic Council works like a parliament, but its members enjoy no parliamentary immunity. On the fifteenth of each month both Military Governors meet in Frankfurt with important members of the Bizonal Administration, and considerable progress through mutual agreements is obtained.

To the common citizen the legislation of the legislatures, the State Council, the Economic Council, the Military Government, and the Control Council rises fivefold like a Tower of Babel; he cannot make himself heard, nor does he find his miserable condition remedied.

#### THE FRENCH ZONE

The states Rhineland-Palatinate (capital, Mainz), South Württemberg (Tübingen), and South Baden (Freiburg) were created during 1946 in the French occupation zone. These states gave themselves parliamentary-democratic constitutions with tripartite power, but their governments are practically only executive organs of the occupying power; and only recently the legislatures had to accept that even the discussion of certain problems was forbidden them. The state government

heads are to meet in the future for common deliberations, but they have no legislative power corresponding to that of the South German State Council, and the ministers of justice are expressly forbidden to attend these meetings.

#### THE SOVIET ZONE

Behind the iron curtain the Soviet Military Administration has created five "Federal States" in the eastern zone: Thuringia (capital, Weimar), Saxony (Dresden), Saxony-Anhalt (Halle), Mecklenburg (Schwerin), and Brandenburg (Potsdam). State legislatures have been set up by direct elections, but none of the three approved parties (namely, the Social Democratic Party, the Christian Democratic Union, and the Liberal Democratic Party) is allowed to act as an opposition; on the contrary, they are obliged to follow a "block policy," decisively influenced by the Communists.

The constitutions announced during 1947 by the legislatures are basically different from the west German ones, in that they reject the principle of the division of power as reactionary, and profess the unity of the power of the state and the primacy of the parliament. Consequently, no testing of the constitutionality of a law by the courts is tolerated, nor is a judicial control of the protection of minorities. Parliament itself decides these questions through a committee of investigation.

In so far as they did not pass into the hands of Soviet stock corporations in the form of so-called industrial combines, the key industries have become the property of the state in the form of state-owned enterprises, and have been placed directly under the orders of the state government.

The counterpart to the Bizonal Administration is the "Economic Commission" created by order of the zone commander, which apparently constitutes

a kind of zonal government with a legislative power superior to that of the states; but it is much more difficult for us in western Germany to learn anything about the legal situation in the eastern zone than in any other part of the globe. In the Economic Commission there are numerous "Central Administrations" for economy, food, administration of justice, education, and so forth, which have existed from the beginning and are superior to the states.

#### BERLIN

Berlin is a city-state and also a fifth occupation zone, under a four-power control in the nature of a "Kommandatura." But the Soviet Union has declared that the tasks of the Kommandatura will be finished when the Union and the western powers have carried out the double-header currency reform

after June 20, 1948. The Soviet Union has started the struggle to incorporate Berlin into the eastern zone. The same disunity among the occupying powers is reflected in the Kommandatura as in the Control Council. Therefore the constitution voted by the freely elected City Council and other essential laws (e.g. on socialization) have remained without approval, and the Chief Mayor (Professor Reuter) elected by the Assembly has not been confirmed; so that in respect to constitutional law, Berlin is a miniature representative of the provisional state in which Germany can neither live nor die. The heroic struggle with which the population of Berlin gives evidence of its aversion to any dictatorial regime and shows its ardent will for a liberal, peaceful, and social democracy has few counterparts in world history.

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# Parties and Party Systems in Postwar Germany

By DOLF STERNBERGER

HITHERTO history has known only parties which have been organized and are active within the framework of existing states. The present situation in Germany is quite different. In the area of the former German state, now utterly destroyed, political parties have been founded, built up, and approved, not only in the absence of a state embracing the nation, but precisely for the purpose of organizing such a state, or at least of aiding its formation.

This extraordinary and even wholly new situation seems to me to be absolutely essential for the understanding of the present political parties in Germany. The description of this function of the parties is, at any rate, of much greater importance than the comparative analysis of party programs and of the different attitudes of the parties in elections and in the organization of the government. We must, therefore, speak first of the function of the parties. The function determines both the behavior and the physiognomy of the parties. Their practical activity will also be better understood if one has recognized the basic characteristics of their political function.

## TRADITIONAL POSITION OF PARTIES

I would not have made the statement in such an offhand manner that history up to now has known only parties that have been formed inside already existing states and are allied with each other or fighting one another, had I been compelled to rely on the average understanding of history. But the statement is supported by the testimony of so encyclopedic a scholar as Max Weber. In the famous chapter on parties, hitherto scarcely rivaled in perception and keenness of analysis, contained

in his masterly work on *Economics and Society*,<sup>1</sup> he says: "Parties are conceivably possible only within a society, the direction of which they want to influence or seize. . . ." And again: "Parties exist *ex definitione* only within societies (political or other) and in the struggle for their domination."

It is quite obvious that Max Weber had not as yet known "totalitarian parties," even though their rise seems to be implied in the idea that one of several parties would not only try to seize the government, but would indeed do so. But if we want, nevertheless, to stick to Weber's definition, matured by historical experience and comparative study, we are forced to the conclusion that a totalitarian party which has definitely achieved the domination of the state and has removed its competitors, ceases, by this very fact, to be a party in the genuine sense of this concept. Such a victorious totalitarian party remains a party in name only, but in this name there hides a dangerous deception. In fact, such a party is no more "inside" the state in a strict sense. Hitler's phrase: "The party rules the state" applies exactly to all victorious totalitarian parties, whether they have come into power by apparently legal or by revolutionary means, i.e. by a disguised or overt coup d'état.

We shall not inquire into what becomes of such a "party" when it has reached its goal and has ceased, therefore, to be a party. A simile may suffice: It becomes a kind of vampire, which nestles or takes root with its legs and arms in all the members of the "old" body of the state and the nation, the better to suck it dry.

<sup>1</sup> Max Weber, *Wirtschaft und Gesellschaft*, pp. 167 f.

Another master of political science, James Bryce, has indicated in a wise suggestion the possibility of the end of the democratic party system as a result of the tyrannic and exclusive domination of one party. He wrote:

In the republics of antiquity a party might help its leader to make himself a tyrant because it hated the other faction more than it loved freedom. Similar phenomena were seen in medieval Italy, and their pale reflex has been sometimes visible in modern states.<sup>2</sup>

#### AN UNPRECEDENTED SITUATION

These sentences were published first in 1921. Since then we have learned to know much more than "pale reflexes" of this ancient degeneration of democracy into party tyranny. It is precisely the vampire-like domination by one party, which was no party any more, that made the Second World War, as far as Germany is concerned, into an intervention by the Allies, which, in destroying the vampire, also necessarily destroyed the state itself within which the vampire had developed and which it had almost consumed. After the defeat of the Nazi regime, there was no German state left. The military governments took over the actual power of government. They assumed therewith the task of founding some kind of new German state and of resurrecting political life in the occupied area. The historic novelty consists in the fact that all the participating powers started to solve this problem essentially by the same means, namely, by permitting political parties and by promoting their expansion and organization.

As far as I know, nobody since 1945 has found anything odd or striking in the fact that a state is built up or composed of parties, or that party complexes are created and established in the very

place where once there was a state. Yet this is the circumstance underlying not only political reality in Germany, but also the essence, structure, and mode of life of the parties themselves. I do not believe that this process has any precedent in history. From the undisputed directness with which this was done, one must presumably draw the conclusion that a modern democratic state is so intimately tied to the existence of political parties that it appears to be possible and even necessary to build it up out of such parties.

Since the destruction of the vampire party also involved the German state itself (insofar as there remained at that moment an identifiable "state" at all), it was obviously necessary to found new and different kinds of parties, even though one wanted to create a different kind of German state or statelike society.

These new parties did not find themselves within the limits of an existing state, and they had, besides, no object for the domination of which they could fight among themselves. Their boundaries were drawn by the military governments, and for a long time there was no struggle at all among them.

Under these conditions we may question whether such parties are really parties at all, since they lack both natural boundaries and a common political society to fight over. According to the definition by Max Weber this question must be answered in the negative, just as it was when we considered the tyrannic one-party domination alone. That was no longer a party when it achieved total domination; nor were these new parties real parties when they were started in order to set up a political community.

#### THE POTSDAM DECLARATION

The Potsdam Communiqué indicated, however, not only one but two ways by

<sup>2</sup> James Bryce, *Modern Democracies*, first edition 1921, third edition 1923, Vol. I, p. 133

which the goal of a democratic order in Germany should be reached. Among the political principles under which, according to the agreement of the three signatory powers, Germany and the German people should be treated, we specifically find, besides disarmament, demilitarization, and destruction of the National Socialist Party and its organizations, preparation "for the eventual reconstruction of German political life on a democratic basis and for eventual peaceful co-operation in international life by Germany."<sup>3</sup> The construction of a German state is indicated here only as an indirect goal, but there is no doubt that "German political life on a democratic basis" must fulfill this very purpose if the word "democracy" is to retain its real meaning.

The two ways recommended later in the communiqué are the setting up of autonomous local governments "on democratic principles and in particular through elective councils," and second, the permission and encouragement of "all democratic political parties . . . throughout Germany." Principles of representation and election governing larger areas such as districts, provinces, and states were to be introduced also when they had proved successful in local administration.

Strictly speaking, this document, released August 2, 1945, indicated still a third way for the evolution of a democratic system, namely, the path of re-education; but this idea of a direct repression of militaristic and Nazi ideas and the immediate evolution "of democratic ideas" is of minor importance in the present state of affairs. For the time being, democracy means to us a

system of institutions and a way of life and behavior within these institutions, rather than a complex of ideas or an ideology. Furthermore, the last three years of the educational experiment in Germany have clearly proved the thesis that political institutions in which people live and which they make use of in practice contribute much more to their education than any kind of teaching or the spreading of an ideology ever could do.

#### EMBRYONIC PARTIES

In respect to democratic institutions, the intention was made known to develop them slowly from scratch. The approval and promotion of parties, on the other hand, is connected with this evolution of administrative institutions, since party organizations are usually needed, first to prepare and conduct elections and second to provide in the candidates the necessary personnel for the government.

This is a purely theoretical remark, and in no way a historic commentary. It is based in part on the definition of the functions of political parties given by James Bryce, who claims that the main task of parties in a representative system of government is "the carrying of elections,"<sup>4</sup> and in part on the very simple and fundamental proposition by Denis W. Brogan that parties exist in order to provide the personnel of the government.<sup>5</sup> If one wants to describe completely the functions of political parties in a democracy, one must, no doubt, keep both these elements in mind simultaneously and jointly.

A look at the Chronological Table included in this paper will show the reader

<sup>3</sup> This passage is found under Section III, "Germany," A 3(iv). The phrases quoted afterwards are contained in 9 of the same section. The quotation is from the first German translation of this document which has been published, see *Die Wandlung*, Year I, issue 1, pp. 79 ff.

<sup>4</sup> Bryce, *op. cit.*, p. 128.

<sup>5</sup> Denis W. Brogan, *Politische Kulture* (Political Culture), Overseas editions, New York, 1945, p. 79. "A party does not simply exist to sell a political panacea. It is an instrument of government . . . before all it is an organization of governmental personnel."

that political parties, approved and promoted after 1945 in Germany according to the recommendations of the Potsdam Communiqué, found no opportunity to exercise their first and real function, namely the organization of elections, until very late, considering the date they were founded and the extent to which they had spread. The organization of these parties had long since become state-wide, in some cases even zone-wide, before elections occurred for the filling of local government posts in rural communities of less than 20,000 inhabitants. In this respect there is no basic difference, as is likewise shown in the Chronological Table, between the methods of Soviet Russia in the east of Germany and those of the Allies in western Germany; but there are differences in degree not to be ignored.

It is obvious, then, that the parties were not built up as democratic institutions, for these parties were all ready and prepared before they exercised their most essential function, which puts the democratic stamp on a party. Thus we find confirmed what we have already suggested, namely, that during the first stages of reconstruction there were as yet no parties, i.e. none fulfilling their real function as "instruments of government." There were no dynamic party organizations, only potential parties, parties in the embryonic or larval stage. Nobody could predict with certainty what they would turn out to be, or what would be the character of the statelike community in the construction of which they assisted so essentially.

One can express the same idea by another comparison, in the following way. The teams of the parties were selected and organized, but as they had no common football field, nor a ball to kick to and fro on the field, they were lined up, eyes forward and expectantly waiting. It is only when the rules of the game have been made known, the signal

given, the ball kicked off, and each party plays to win that one can say that they have come alive as parties.

The simile of an athletic contest seems almost necessary to make clear the role of parties in a parliamentary democracy. Bryce used this simile also in a noteworthy passage in his chapter on parties, without wishing to idealize or disparage their activity. There is no doubt that this comparison is much more familiar to the English or Anglo-Saxon mind than to the Continental-European, especially the German, mind. This fact probably expresses a much deeper difference in the conception of democratic institutions, which will be incidentally referred to later.

But if these newly created and quickly formed "parties" were not yet able to exercise their primary function, what guarantee could they offer that they were "democratic" parties, as required by the principles cited from the Potsdam document?

#### TESTS OF DEMOCRACY

From the preceding discussion it will be evident that no single party can as yet claim to be a truly democratic party, even if it carries this word in its title and on its banner. Only those institutions are correctly called democratic which frame the life of a democratic community, and parties become democratic parties when they function within the framework of such institutions and according to the playing rules of democracy, i.e. in agreement with its written or unwritten constitution.

The first guarantee for the democratic character of the political parties to be approved in Germany seems to lie in their number, or rather in their multiple number. The democratic Weimar Republic was killed in 1933 by the setting up of a tyrannical one-party domination; apparently the presence and domination of a single party was lethal for

CHRONOLOGICAL TABLE		ELECTIONS
DEVELOPMENT OF THE PARTIES	DEVELOPMENT OF STATES AND ZONES	
<p>June 10, 1945</p> <p>Approved of antifascist parties in Berlin and the Soviet zone by order of Marshal Shukow (organization of the Antifascist Committee of the four parties)</p>		
<p>August 6, 1945</p> <p>Proclamation of General Eisenhower, according to which local union labor and local political activities are permitted</p>	<p>August 2, 1945</p> <p>Signing of the Potsdam Agreement</p>	
<p>September 1, 1945</p> <p>Directives for the formation of parties in the American zone</p>	<p>September 26, 1945</p> <p>Proclamation of General Eisenhower on the creation of three states in the American zone</p>	
<p>November 14, 1945</p> <p>Directive for the control of news (ICD) No. 2: party handbills and posters permitted</p>		
<p>December 13, 1945</p> <p>The French Military Government approves the right of association and propaganda of political parties</p>		
<p>December 14-16, 1945</p> <p>Convention of CDU delegates in Bad Godesberg. Formation of an interzonal council in Frankfurt</p>		
<p>December 20-21, 1945</p> <p>Decision of Berlin central committees of SPD and KPD toward union of action; Pieck-Grotewohl merger proposal</p> <p>Creation of a common study committee</p>	<p>December 20, 1945</p> <p>Law on a "Provisional Parliament" in Württemberg-Baden</p>	



CHRONOLOGICAL TABLE—*Continued*

DEVELOPMENT OF THE PARTIES	DEVELOPMENT OF STATES AND ZONES	ELECTIONS
December 23, 1945 First approval for a state party in Hesse, KPD		
January 3-4, 1946 Decision of the SPD delegates of the western zones in Hanover to reject merger proposal		
January 11, 1946 State-wide approval of the SPD and the CSU for Bavaria		
January 12, 1946 First State Convention of SPD in Württemberg-Baden		
January 15, 1946 State-wide approval of the KPD for Württemberg-Baden		
	Middle of January 1946 Creation of a German Zonal Advisory Council in Hamburg (with participation of the three largest parties)	
	January 16, 1946 Meeting of the preparatory parliament in Stuttgart	January 20 and 27, 1946 Local rural elections in Hesse, Bavaria, and Württemberg-Baden
February 24, 1946 Approval of parties on zonal scale in the American zone	February 26, 1946 Meeting of the preparatory parliaments in Munich, and about the same time in Wiesbaden	

CHRONOLOGICAL TABLE—Continued

DEVELOPMENT OF THE PARTIES	DEVELOPMENT OF STATES AND ZONES	ELECTIONS
April 19, 1946 Directives of the American Military Government for the selection of party functionaries and candidates		
May 8-11, 1946 First SPD Party Convention for the western zones		May 26, 1946 City Council elections in the American zone
		June 30, 1946 Elections to the constitutional conventions in the American zone
	August 1946 Creation of the states North Rhineland-Westphalia and Lower Saxony in the British zone	June 30, 1946 Popular referendum on expropriation of "enterprises of war criminals" in Saxony
	August 30, 1946 Creation of the first state in the French zone: Rhineland-Palatinate. Definite boundaries and capital (Mainz) announced on October 15, 1946	
September 1946 Union of the liberal parties in the American zone		September 1, 1946 Local elections in State Saxony (first elections in the Soviet zone)
		September 8, 1946 Local elections in Thuringia and Province Saxony

CHRONOLOGICAL TABLE—*Continued*

DEVELOPMENT OF THE PARTIES	DEVELOPMENT OF STATES AND ZONES	ELECTIONS
		September 15, 1946 Local elections in the French zone
		September 15, 1946 Local elections in the British zone
		October 13, 1946 Elections of city councils in the independent municipalities and in the districts of the British zone
		October 13, 1946 District elections in the French zone
		October 20, 1946 Election of city and district councilors in Berlin
		October 20, 1946 Elections to legislatures and district councils in the Soviet zone
		November 17, 1946 Election to the consultative assemblies in the French zone
		November 24, 1946 Elections to the legislature in Württemberg-Baden
		December 1, 1946 Elections to the legislatures in Bavaria and Hesse
End of November 1946 Dissolution of the antifascist joint committee of the four parties in Berlin (outside the Soviet zone)		
	December 2, 1946 Agreement between the United States and Great Britain on economic merger of zones	

CHRONOLOGICAL TABLE—Continued

DEVELOPMENT OF THE PARTIES	DEVELOPMENT OF STATES AND ZONES	ELECTIONS
December 5-6, 1946 Creation of the joint work program CDU/ CSU for all four zones, Königstein/Taunus	January 22, 1947 Bremen, the fourth state in the American zone	April 20, 1947 Elections to the parliaments in the Brit- ish zone  May 18, 1947 Elections to the legislatures in the French zone
	May 29, 1947 Agreement on development of the Bizonal Economic Council	
	June 6-7, 1947 Conference of the Ministers-President in Munich	
	June 15, 1947 Creation of the Central Economic Com- mission for the eastern zone	
	June 22, 1947 Constitutive session of the Economic Coun- cil in Frankfurt	September 13, 1947 Burgership elections in Bremen and Hamburg

## CHRONOLOGICAL TABLE—Continued

DEVELOPMENT OF THE PARTIES	DEVELOPMENT OF STATES AND ZONES	ELECTIONS
<p>December 20, 1947 The Soviet Military Administration re-moves Jacob Kaiser and Ernst Lemmer from their offices as chairmen of the CDU of the eastern zone; the Berlin CDU ends collaboration on February 2, 1948</p> <p>January 18, 1948 The co-ordinating committee of the liberal parties breaks with the LDP of the eastern zone (Frankfurt a/M), followed by exclusion of Berlin LDP from LDP of the eastern zone, February 10, 1948</p> <p>Early June 1948 Approval of the National Democratic Party and the Democratic Farmers' Party in the entire eastern zone by the Soviet Military Administration</p> <p>Middle of June 1948 Joint work program called <i>Nationale Rechte</i> (National Rights) consisting of the <i>Deutsche Konservative Partei</i> (German Conservative Party) and the <i>Deutsche Rechtspartei</i> (German Rightist Party) of the British zone and the <i>Nationaldemokratische Partei</i> (National Democratic Party) in Hesse</p>	<p>February 5, 1948 New bylaws of the Economic Council</p> <p>June 1948 London Six-Power Conference recommends to the governments the calling of a constitutional convention for western Germany</p>	<p>December 6, 1947 Convocation of the People's Congress in the eastern zone</p> <p>March 19, 1948 Formation of "People's Councils" in the eastern zone</p>

democracy. The opposite conclusion seemed plausible, namely, that the presence of many parties would at least make possible the life of democracy, if not assure it.

In fact, during the first stage of their administration, the military governments approved four parties. At first these parties had different names in different German regions, but in a relatively short time they separately merged and consolidated throughout the area of the former German Reich. These parties are: the Communist Party of Germany (*Kommunistische Partei Deutschlands*); the Social Democratic Party of Germany (*die sozialdemokratische Partei Deutschlands*); the Christian Democratic Union (*die Christlich-Demokratische Union*)—in Bavaria, the Christian Social Union (*Christlich-Soziale Union*); and the Democratic People's Party of Germany (*Demokratische Volkspartei Deutschlands*). The last-mentioned is little known by this corporate name, but under derivative titles it has introduced itself very well in different states as a party of traditional liberal tendencies.

By this enumeration the second guarantee has already been indicated, which one could expect in view of the democratic character of the parties; namely, their democratic view or ideology. All but one of these parties carry the word "democratic" in their titles. Even the Communist Party emphatically claims to be democratic. This party, by the way, was the first to receive a license, not only in the eastern occupation zone but also in some districts of the west, obviously because it was the first to apply for one.

#### BACKGROUND OF PARTIES

There are no doubt a number of historical reasons why these names and slogans might offer a guarantee also for the future evolution of democracy itself.

This is especially true for the Social Democratic Party of Germany. This party most consciously and clearly resumed an interrupted tradition and thus revived itself. Since the days of Bebel, Liebknecht, Ebert, and Scheidemann, that tradition has been one of battling for the political rights of the people, for the constitution, and for parliamentarism. In addition, of the four parties mentioned, only the Communist Party has resumed its old name, even though it is much more recent in Germany, chosen only after 1918.

The different varieties of the Liberal Democratic Party or Democratic People's Party go back, according to their titles and nature and the past history of their leading personalities, to the varieties of the liberal party organizations in the times of the empire and of the republic. These varieties were as numerous then as they are today. They have at different times occupied very different seats in the Conservative-Radical seating order of the German Reichstag due to the tragic schisms within German bourgeois liberalism in the days when the Prussian-German Reich came into being.

It is most difficult, however, to name the historic components and motive powers of tradition of the Christian Democratic Union or its Bavarian counterpart. Their core is certainly formed by the old "Zentrum," born about 1870. During Bismarck's later period it was the strongest and most intimately knit faction in the Reichstag. The interdenominational idea, which since 1906 had changed the originally purely Catholic Center Party into a party open-minded in respect to all modern social and national problems, was considerably revived during the directly antireligious dictatorship of Nazism and after its collapse. Already in the old imperial Reichstag, the Bavarian Patriots, a group with strictly anti-Prussian and

particularistic views, had had intimate ties with the Zentrum Party. This connection was renewed by the Bavarian People's Party (*Bayrische Volkspartei*) of the Weimar period. Today we find again a strong Bavarian party organization, under its own name, with pronounced peculiarities and also with considerable internal tensions, side by side with the all-German Christian Democratic Union. On the other hand, the direct restoration of the Zentrum Party under its old name is restricted to the state of North Rhineland-Westphalia in the British occupation zone. Cologne and the surrounding district, i.e. the area of the archdiocese, proved to be the stronghold of the most intensive movement toward denominational conservatism, as early as during the changes and discussions within the Zentrum Party before the First World War.

All these traditional relationships are not to be perceived easily and quickly. Their revival was hardly to be foreseen at the time the parties were granted approval to organize locally in a limited way in 1945 and 1946. But all that is more than overshadowed by the ordeals of these parties, of the men who founded them anew, and of other of their leaders under the Nazi dictatorship. Briefly, it was the preceding antifascist history of organizations and persons that became the touchstone of their democratic character.

#### ANTIFASCISM IS INSUFFICIENT

Democracy is not based on parties, but parties are based on democracy. In other words, parties prove themselves essentially democratic by functioning according to a democratic constitution in a democratic society. Doubtless, democratic sentiments must prevail if a democratic constitution is to come into being. But such sentiments do not offer a guarantee for the construction of

democratic institutions until they receive concrete expression, whether in a small or a large area, in a fundamental act by the people, especially a general election. This is the essence of democracy, in accord with the concept and the meaning of the word and also in accord with all genuinely democratic constitutions, which hold that the power of the state derives from the people, and that all mandates directly or indirectly flow from this primeval source.

Neither the multiple number of party lines or organizations, the criteria of the political faith embodied in their platforms, nor the proved antifascist stand of their leaders can, as such, offer a guarantee that the rising party system will, not only on the paper of the written constitutions but in the reality of political life, be able to execute its mandate.

The most difficult problem in introducing or starting democratic political attitudes in postwar Germany was, without doubt, this criterion of "antifascist" sentiments and reliability in the approval of the parties. Our hindsight makes it rather easy for us today to recognize the tragic ambiguity of this criterion—easier at least than to foresee it at the start, especially considering the particular unique situation existing after the destruction of the dictatorship. But here the establishment of scientific fact is what matters, and not the evaluation of political actions taken by this or that side.

The martyrdom of the concentration camps and the existence of political resistance against the dictatorship inside Germany are historical and biographical facts of profound meaning—of the highest importance, even for the political future of the German nation. But when the problem is no longer merely one of selecting persons or training an efficient leadership group, but the much more fundamental one of re-creating a society

and finally a state out of the basic elements of political institutions, then the purely negative polemic definition of "antifascism," born out of resistance and defense, becomes insufficient. Just as one cannot conceive and create an "antimonarchistic" state, but only a republic, where persons of antimonarchistic sentiments will and must be the leaders, so an antifascist or anti-authoritarian state cannot exist, but only a democracy.

Even a revolution, i.e. an act of self-liberation, must have led in Germany, as anywhere else, to the founding of a democratic society and to the evolution of democratic attitudes, only if it had not ended with the seizure of power by the revolutionary leaders. A change in the "cast" is a vital necessity and a driving force in every change of government; but when a state is to be created, which is the case in Germany, such a change is only the beginning, which even lacks any assurance of continuation.

In fact, antifascist solidarity has proved a strong obstacle to democratic revival in as great a degree as it introduced a positive democratic trend. If we, in accord with Guglielmo Ferrero, identify a true democracy first by the transfer of power through elections,<sup>6</sup> and second and primarily by the tug-of-war relationship between majority and minority and "in the right to command and the right to opposition";<sup>7</sup> if a true democracy consequently arises first through free elections and then through the tension and change between the government and the opposition, we must immediately admit that the solidary exercise of power by "antifascist" or even by "democratic" party factions can hinder this necessary tension and change as easily as it can promote it.

<sup>6</sup> Guglielmo Ferrero, *Macht* (Power), German translation of *Pouvoir*, Berne, 1944, p. 264.

<sup>7</sup> *Ibid.*, p. 273.

### IN THE EASTERN ZONE

In all the five states of the Soviet Russian occupation zone a bloc of antifascist parties exercises governmental power through the legislatures and the cabinets. Since the elections of the legislatures, October 20, 1946, the Socialist Unity Party (*Sozialistische Einheitspartei*, SED), together with its auxiliaries, the Farmers' Aid and here and there Women's Committees (*Frauenausschüsse*) and the Cultural Association (*Kulturbund*), has in all states of this zone with the exception of Brandenburg, by a strange coincidence, always controlled about 51 per cent of the parliamentary votes (not counting the Christian and liberal partners of the bloc).

This represents an extreme case of the "antifascist" solidarity mentioned. In fact, the formation of this party bloc was preceded in all the Russian occupation zone and in Berlin by so-called "antifascist committees." They constitute historically the first stage of this bloc and have formed, up to now, a faction-like clamp holding the parties together in the eastern zone.

Internally this party bloc came into being by an enforced merger of the Communist Party of Germany (KPD) and the Social Democratic Party of Germany (SPD) into the Socialist Unity Party (SED). In Berlin the local Central Committee of the Four Antifascist Parties (*Einheits Ausschuss der vier antifascistischen Parteien*) was dissolved at the end of November 1946, because the representatives of the SPD, the CDU (Christian Democratic Union) and the LDP (Liberal Democratic Party) declared that they considered the committee superfluous after the formation of the City Council, i.e. an elected legislative body.

The party bloc not only embraces parties—or, as I have called them before, larval parties—but in case of



need, quite different kinds of organizations are also added and counted, namely those which in the Bolshevik terminology are called "social organizations" (*gesellschaftliche Organisationen*). In the instructions issued concerning the elections to the legislatures in October 1946 it was stated that "the parties admitted in the Soviet zone and the antifascist organizations are entitled to propose slates." This referred, e.g., to the Free German Trade Union Federation (FDGB) which has no competitors, the Cultural Association for Democratic Revival (*Kulturbund zur demokratischen Erneuerung*), the already mentioned Farmers' Aid, and youth and women's organizations.

One may assume that the internal make-up of some of these organizations and of their leadership repeats on a smaller scale the principle of the party bloc and that a communistic majority or a communistic management or both are assured. This line-up of political parties with social or cultural associations proves beyond doubt that in this area the larvae never will develop into party butterflies, and that the parties, notwithstanding their democratic names and their considerable and obvious democratic tendencies, do not exercise democratic functions.

An astonishing and classical proof is furnished by the National Democratic Party (*Nationaldemokratische Partei*), the so-called "party of the small party members," newly approved in June 1948 by the Soviet Russian Military Administration. It declares publicly in its platform that it does "not want to be a competitor of the other parties" and that it intends "to co-operate closely with all progressive democratic organizations."<sup>8</sup> Whatever name it bears, a party that expressly declares that it does not want

to compete with other parties has relinquished its party character at the very moment of its birth. It does not even *want* to exercise its functions, because the democratic function of a political party consists, to say it crudely, in nothing but competition with other parties.

In the eastern zone, then, the creation and approval of political parties has not led to the construction of a true functioning democracy, but to a party bloc system which has simply replaced the state.

#### LACK OF FUNCTION

The party system of western Germany—i.e., practically speaking, the three zones occupied by the western powers—is doubtless very different from that of the east, but not as much, in extension and meaning, as democracy is different from dictatorship.

Here also, state and zonal organizations of at least the two largest parties, the Social Democratic Party and the Christian Democratic Union, were ready a long time before elections were announced and held in rural communities and in towns with less than 20,000 inhabitants. The details are found in the Chronological Table, which also shows that the American zone was far ahead of the others in organizing the earliest elections.

The order of Marshal Shukow legalizing antifascist parties was issued nearly two months before the signing of the Potsdam three-power declaration, and became decisive for the history of parties and party systems in postwar Germany. The participants of the Potsdam Conference hence faced a fait accompli as far as Berlin and the Soviet zone were concerned. This makes the curious and fateful contradiction among the "political principles" of Potsdam easier to understand. I have characterized this contradiction earlier; it reveals itself as a frank compromise between the

<sup>8</sup> So reported by DENA from Berlin; cf. *Rhein-Neckar Zeitung* (zonal edition), 4th year, No. 71, June 22, 1948.

genuine democratic idea of creating the organs of autonomous administration and self-government through elections from the ground up, and the accomplished fact of the existence of political organizations with central direction and of more than local scope.

Up to this day the parties in western Germany have no field of action assigned to them. As far as a superzonal or national level is concerned, they too are still in the larval stage. It remains to be seen how far the recommendation of the six-power conference in London for the creation of a constitutional convention for the three western zones will produce a change in this connection too. Until then the extent of each of the four big party organizations (of which at least two, the Communist Party and the Social Democratic Party, are characterized by a pronounced centralization) will continue to exceed by far the area of the single states or statelike agencies like the organs of the zonal or bizonal areas.

#### EMPHASIS ON PARTY UNITY

The fact that the existing big party organizations in the west are, so to say, not fully occupied by their proper functions explains the sentiment dominating them, to place party unity ahead of the state or to consider the party organization as a substitute for the state. In the east, as I have indicated, this comparison between party and state leads in the case of the SED to complete identity of the one with the other, or substitution of party unity for the unity of the state. One may assume that the claim suggested by the name Socialist Unity Party refers not only to the unity of the working class, but, as an overtone, to the unity of the German nation. That is exactly what was said by Erich Ollenhauer, a leading member of the Social Democratic Party directorate in Hannover, in his political report to the party

convention in Nuremberg, June 30, 1947:

It is our conception that we as SPD want not only to *support the idea* of the unity of Germany, but that we *try to accomplish* such a unity in our own practical political work as a *preparatory* step to the constitutional situation which we desire.<sup>9</sup>

In this connection one must clearly realize that today the Communist Party alone has an effective party organization covering all of Germany. The other three great party organizations have been broken into two distinct parts, either through acts of violence committed against them or against individual members by leading Communists or Communist groups in the east, or by the Soviet Russian occupation authorities, or as a consequence of the bloc politics described above. The earliest and the basic of these actions (details are found in the Chronological Table) was the compulsory merger of the Communist Party of Germany with the Social Democratic Party of Germany in the Soviet Russian sphere of influence, which restricted the activity of an independent social democracy to the three western zones and Berlin. While the three great parties can claim, therefore, with some justification, to be preparatory stages, primitive forms, or substitutes for the state and for the unity of the state, the gradual splitting of the country-wide party organizations certainly belongs to the prehistory of the East-West split in the building of a state in Germany. What has been broken in the early stage will not be easy to put together in the last stage.

Nevertheless, a *pre-formation* of the state is quite different from a *substitution* of party systems for the state. Here we find an essential difference be-

<sup>9</sup> *Protokoll der Verhandlungen des Parteitages der Sozialdemokratischen Partei Deutschlands vom 26. Juni bis 2. Juli 1947 in Nürnberg* (Auerdruck GmbH., Hamburg), p. 93.

tween the party systems of eastern and western Germany. But it is also evident that this difference is not the same as the difference between democracy and dictatorship.

#### GOVERNMENT AS PARTY INSTRUMENT

As we have already mentioned, constitutional development has not kept pace with the development of party organizations, neither in Germany as a whole nor in its western part. As long as parties, therefore, could not be instruments of government, the individual governments, administrations, and officers of all kinds necessarily became instruments of the parties.

The very first German provincial administrations, set up in May and June 1945 simply by personal invitation and appointment by the American Military Government, showed no party greed for offices, which is not astonishing for that period. I recall that the provincial administration for the American-occupied areas on the left bank Rhineland-Palatinate, of the Saar and the districts of Trier and Coblenz set up in May 1945 with headquarters in Neustadt on the Haardt, had among its nine department heads only three who had been connected with party politics before 1933; the others were without party affiliation, professional men or former judicial or administrative officials. But it is characteristic that of these persons only one has a political office today, and that is one of the three party men mentioned.

The reason is not, as is often stated, that the "original cast" is completely and quickly used up, but rather that in the following months the rapidly growing party organizations started to fill administrative or government posts more and more from their own ranks. (Max Weber calls this office patronage.)

The first government of the newly formed state Greater Hesse, which was

incidentally formed and appointed by the same team of the American Military Government that formerly had been active in Neustadt, had a nonparty Minister-President, three nonparty ministers, and six party members who had been chosen because of their membership and their roles as party representatives. That was in October 1945. Those without party affiliation have since left political life as a consequence of the elections, while the others, although belonging to the "original cast," have mostly continued their activity in the same positions. The government of Greater Hesse in 1945, with its capital in Wiesbaden, had already started to distribute not only ministerial posts but also the next lower posts of state secretaries, or bureau chiefs, with a view to party affiliations. It stands to reason that the same principle found expression, only more clearly and completely, in the formation of the first state governments in other zones of the west, as in the British zone, where they began nearly a year later.

#### PRINCIPLE OF STABLE COALITION

Long before any elections had taken place, then, offices in government and administration were filled according to a principle which we may call "the principle of stable coalition." This principle was also applied, at least in the American zone, to many newspaper staffs and in some areas to the denazification tribunals. Usually all three or four party organizations, then in process of formation or which had at least applied for approval, participated in this "office patronage," if not always in equal shares. If political parties on the whole have, as was mentioned earlier, two essential functions, namely to conduct elections and to furnish personnel for the government, then it is true in the case of Germany, including western Germany, that the parties created there

had exercised the second function for quite a while and very thoroughly, before they had the opportunity or perhaps the desire to do anything related to the first function.

This principle of stable coalition without elections and without a parliamentary basis has hardly ever been realized so clearly as in the formation of the so-called "Preparatory Parliaments" (*Vorparlament*) or "Consultative State Conventions" (*Beratende Landesversammlungen*) in the three then existing states in the American occupation zone, January and February 1946. These bodies, which were in existence only for a few months, were as to their composition the strangest structures ever encountered in the whole history of parliamentarism. In all the three states the attempt was made—with slight variations—to give all the people representation without applying the real democratic method of general elections. The results were odd mixtures of political, corporate, and class representations which were made up according to fixed ratios. For instance, of the 124 representatives of the "Provisional Parliament" (*Vorläufige Volksvertretung*) of Württemberg-Baden (capital Stuttgart) convoked by the Minister-President by virtue of a law of December 20, 1945 ("the summons cannot be declined," reads the law), 48 came in exactly equal numbers from the new four party organizations then approved, while the others came from occupational groups, towns and rural districts, churches, and universities.

This ideal and artificial ratio between the number of seats and the size of the four embryonic parties that had been, so to say, patched together, could of course not be maintained after the legislature had been formed by popular elections. Nevertheless, an all-party coalition has been preserved in the Württemberg-Baden government up to now, and until

recently in North Rhineland-Westphalia. The ethic of the party coalition, which runs contrary to all functional definitions mentioned above and excludes any genuine parliamentary opposition, has continued in effect in many fields of public life, especially in the distribution of public offices and other leading positions.

#### PROPORTIONAL REPRESENTATION

The principle of proportional representation, in a pure or slightly modified form, prevails in nearly all the states of western Germany in the election of legislatures, following the example of the Weimar Constitution of 1919. This principle has upheld the prospects of the parties for a simultaneous instead of an alternating reign.<sup>10</sup> Meanwhile, stable coalitions have changed into fluid ones. Opposition repressed in the people has found an outlet in the form of new, mostly more radical-minded parties. Besides using the system of proportional representation, the parties ruling together in the states have tried to make their domination more secure by constitutional or statutory provisions, especially the so-called 5 per cent, 10 per cent, and 15 per cent clauses, which are intended to make it difficult for new parties, which are mostly small at their beginning, to enter the legislature and the government. Here belong also certain legal obstacles, under deliberation in some states, to the approval of party organizations.

#### DESIRE FOR COALITION

In wide and dominant circles of all the essential political party organizations in western Germany, even after the elections in the states, the coalition system was held to be desirable, praise-

<sup>10</sup> For the significance of the election methods for parties and states, see F. A. Hermens, *Democracy or Anarchy?* Notre Dame, Indiana, 1941.

worthy, and coveted, either as an ethical ideal or as a consequence of historical necessity. This sentiment found its most exact as well as strange expression in a declaration issued by the Democratic People's Party of Bremen (*Bremische Demokratische Volkspartei*), a local variety of the Liberal Democratic Party, following the local elections to the legislature, October 12, 1947. This election, held according to the principle of proportional representation, gave mandates to six parties, a majority to none. This result would have appeared, anywhere in the world, as extremely regrettable and hampering to the formation of a government. But the declaration mentioned above had this to say: "The BDV stresses the point that the main goal of the election struggle has been reached, in that no party possesses the majority and co-operation thus becomes necessary."

One cannot indicate more frankly than this that the goal to be reached is a co-ordinated rule and the participation of all or at least as many parties as possible in the distribution of offices. It should be noted, furthermore, that the constitution of Bremen gives seats only to those parties which can garner at least 5 per cent of the votes. Such clauses remind one of drawbridges raised by the inhabitants of the Castle Coalition, in order to make the entrance of new columns difficult; they themselves have already jointly planned and erected their fortification system, i.e. the constitution.

In some cases—for instance Württemberg-Baden, as already mentioned—the scope of the coalition surpasses considerably the number required for the formation of a legislative majority. In a few contrasting cases, governments of states have been formed by one party alone. The state of Schleswig-Holstein, in the British occupation zone, has had a purely Social Democratic government

since the elections of April 1947. This comes from the fact that in this state an election law was enacted and applied following the British model, and therefore according to the principle of majority rule in the election districts. Such an election procedure hinders the trend of the parties toward a coalition government, and instead makes a change of responsibility possible. But in all the eleven or, if we include Berlin, twelve states, this is the only case where the coalition principle and the necessity for coalition have been dissolved—the only case in which the parties have become the instruments of government, so far as we have been able to discover.

The second state where in fact a one-party government is in power is Bavaria. In contrast to Schleswig-Holstein, this situation was brought about by the fact that the coalition between the Christian Social Union and the Social Democratic Party of Germany (SPD), which governed at first after the legislature had been elected, was dissolved by the SPD in September 1947, since the CSU could govern alone, considering its size in the legislature. The remaining party, the CSU, was quite displeased over the dissolution of the coalition. Minister-President Ehard declared publicly that he was not inclined to adopt the assumption "that the SDP wanted by its *démarche* to shed any responsibility for the difficult months to come."<sup>11</sup>

The deserting partner in the coalition was no more pleased at leaving it. The SPD declared that it would act as a "constructive opposition"; but a constructive opposition in this sense is, without doubt, neither a determined nor a genuine opposition. In fact, the SPD in Bavaria has since then wanted new elections, in order to create expressly the "prerequisites for a real coalition,

<sup>11</sup> *Neue Zeitung*, Munich, No. 76, Sept. 9, 1947.

where the partners are dependent on each other, since neither has a majority."<sup>12</sup>

#### MOTIVES FOR COALITION

We can easily gather from these events<sup>13</sup> and declarations in Bavaria what the counteracting but, at the same time, collaborating motives are for the urge for coalition and a coalition morality. In view of the risk assumed by each party that rules or supports the government under present miserable conditions, *no* party, really and deep in its heart, wants to rule alone. But since government is necessary, *each* of them wants to share in the distribution of political offices, influences, or activity. Under these circumstances, a frank opposition stand will easily appear as a flight and therefore as a moral deficiency, while the acceptance of responsibility may seem to be a costly heroism. A coalition, on the contrary, does not seem to ask for too much, nor does it seem to do much harm. But since legislatures are now being formed through general elections and new parties must necessarily be approved, a coalition is bound to be a fluid pattern and will be more and more imperiled, as a whole, by the repressed "will of the people," despite all the drawbridges and sluices.

<sup>12</sup> Cf. the editorial "Ende der Koalition" (End of the Coalition), *Süddeutschen Zeitung*, Munich, No. 79, Sept. 16, 1947.

<sup>13</sup> The situation in the Bizonal Administration in Frankfurt is similar to that in Bavaria. A little coalition (between the CDU and the FDP—Bavarian Free Democratic Party) was necessary in order to form the Economic Council in a parliamentary way; the big coalition with the SPD failed to occur, because the latter party would not renounce its power to select the Economic Council and because the little coalition, on the other hand, had a majority in the Executive Committee (now the bizonal Council of Ministers-President) which appeared to be formed in a federal way.

#### PARTY SPHERES OF INFLUENCE

The regional as well as the central discussions and pacts of the party directorates in respect to the distribution of political offices, which from a practical point of view form the core of any coalition, refer not only to governments and administrations in states, provinces, and local communities. For different reasons, which we cannot investigate here in more detail, the spheres of influence of political parties, and therefore the subjects of possible coalition pacts, have increased considerably in comparison with the era of the Weimar Republic.

It is not astonishing that it is especially the Nazi infiltration that has had this historic effect. The "Nazification" and the subsequent "Denazification" have made such gaps in the rank of professional civil servants that the "democratic" political parties, almost of necessity, had to fill them. An outstanding illustration is furnished by the appointments to the bizonal High Court set up in Cologne at the beginning of 1948, in connection with the reform of the Frankfurt Economic Council. Its president belongs to the SPD and its vice president to the CDU; of the attorneys general one is a member of the CDU, the other is without party affiliation; finally, the eight councilors are distributed in the ratio of 3-2-3 among the CDU, the SPD, and the independents, who hold the balance of power.<sup>14</sup>

#### INDEPENDENT AREAS

It is almost easier to enumerate those areas of public life which constitute, so to speak, islands or oases independent of party politics than to delimit the whole circumference of the positions

<sup>14</sup> I owe the data on the appointments to the German High Court for the Combined Economic Area to Dr. Dörpinghaus in Frankfurt, secretary general of the *Arbeitsgemeinschaft der Christlich-Demokratischen und Christlich-Sozialen Union Deutschlands*.

filled by party politics under the coalition system. Here belong certainly some of the licensed daily newspapers in the American zone, unless they are founded on the coalition principle or have turned away from it in favor of "independence." The British zone has practically nothing but party organs in the old sense of the word, even though these newspapers are rarely or not at all the property of the party. The licensed press in the American zone is, therefore, constantly exposed to vehement attacks by the coalition parties and the legislatures.

The universities, with their traditional more or less pronounced autonomy, have had to face similar attacks and are exposed to chronic suspicion of resisting democratization under cover of their autonomy, which in reality means resisting party-political influences. That was clearly proved by the conflict between the University of Frankfurt and the state government of Hesse early in 1948. The state of Hesse is dominated by a CDU-SPD coalition (the prevailing type in the western states), and the conflict started when the minister in charge of university affairs wanted to fill an honorary chair in public law politically, without the consent of the faculty, by the appointment of an influential SPD man, a government official. So far, the professional staff has successfully resisted the interference.

The most interesting oasis of this kind, i.e. nonpolitical appointments to office, is doubtless formed by the local communities, especially the rural communities in those parts of western Germany where the election laws have granted the voters more influence on the selection of the candidates than possible elsewhere under the prevailing system of proportional representation and rigid party lists. In the American zone this is especially true for the state of Württemberg-Baden. There the elections to the local councils, December 7, 1947,

yielded the astonishing result that 65.5 per cent of all the local council seats in the state were captured by people elected on local nonpartisan slates, while only 33.5 per cent were left for party candidates. At the next higher legislative level, the district councils, the nonpartisan candidates, with only 15 per cent of the seats, lagged considerably behind the party men. One may conclude that even in regions where the election laws leave a certain personal choice to the voters, the influence of the political parties grows as the distance from the immediate circle of local interest increases.

#### RELATION TO NATIONAL STRUCTURE

These brief glances may suffice to show how parties bound or tangled together in small or large coalitions tend to dominate public life, the power of each of them being challenged and counterbalanced by its co-operating competitors. The effective power of the whole coalition system within a state or an administrative district is therefore certainly not so great as the power of a single-party leadership, which is not limited to any specific state and, furthermore, to a high degree uses governments and administrations as its tools and as subjects of its influence.

It has been said that in postwar Germany political parties are the only reliable structures, and this argument has been used to try to silence the very popular criticism of the parties. The parties certainly are structures or structural parts, like girders and columns. But as long as there is no democratic state, in which alone they can exercise their legitimate functions, they resemble rather piles driven into a marsh. This explains their tendency to subject themselves to mutual bonds, that is, to form a coalition. But here also, the union of the parties cannot replace the state.

Whether or not such piles become a supporting scaffold equal to its function, depends on whether they find or gain a foundation, i.e. a strong and living constitution, which alone will allow them to exercise their necessary function in the entire national structure.

#### EXTENT OF MEMBERSHIP

Meanwhile, the whole party system, and also each of the political organizations, more or less bound together, show a distinct tendency to incorporate the people as a whole if possible, or at least all active and influential persons and groups, and make them members or sympathizers. This membership attraction of the big parties, which really have something to give away and distribute, is considerable. Yet the percentage of the population of western Germany organized in all the approved parties has not by far arrived at the percentage reached by the vampire-like Nazi Party during its domination.

The Social Democratic Party of Germany numbered in its 24 districts (23 of them in the area of the three western zones; the 24th in Berlin) about 712,000 members on December 31, 1946; by March 31, 1947 this had already grown to 782,000, and today, more than a year later, the party probably has some 900,000 members. The latest enumeration from the Russian occupation zone, of April 1, 1946, showed about 550,000 members. The membership of this party in western Germany alone passes the number of members which it had in the entire German Reich around 1927.<sup>15</sup>

Thanks to the information furnished by Dr. Dörpinghaus I am able to give the membership figures of the Christian Democratic Union and the Christian

Social Union, but only for the areas of the American and British occupation zones and for Berlin. In May 1948 it amounted to 716,390 persons; if we add the still missing figures for the French zone their number would approximately equal the membership of SPD.

The membership of the federated state organizations of the liberal and independent democratic parties amounts in the western zones today to about 60,000 to 70,000 persons. In contrast to the parties just mentioned this party is not yet approved as a federation, but it has a joint directorate. Ernst Mayer, of Stuttgart, the secretary general of this board, who was kind enough to give me this information on June 12, 1948, explains this relatively small number by saying that it is "difficult to make the voters who lean towards this party commit themselves," because of their fundamental attitude of liberalism. But, on the other hand, the ratio between organized members and voters who are sympathizers is more favorable, at least in some regions such as Württemberg-Baden and Bremen, and recently also in Hesse.

So far I have been unable to get corresponding data for the Communist Party of Germany and the Socialist Unity Party.

On the basis of these figures one can estimate that in the three western zones and Berlin hardly 4 per cent of the population are members of political parties, while the Nazi Party alone embraced, at the apex of its tyrannical domination, about 10 to 15 per cent of the population of the German Reich.

As seen by political organizations and organizers, members are in general more valuable than voters: voters are unreliable, members are loyal. At present, therefore, there is an effort to drive people into the parties. But only when the attempt is made to drive the parties into the people and when this is successful

<sup>15</sup> These data are taken from the *Protokoll der Verhandlungen des Parteitages der Sozialdemokratischen Partei Deutschlands*, cited earlier.



(it is, in fact, a problem of the constitution, and not a problem of organization)—only then will this complex of “democratic” parties, simultaneously competing *and* co-operating with one another, become a *democracy*.

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# Administration of Justice in Germany

By GEORG-AUGUST ZINN

**A**MONG the instruments of the state serving to promote an orderly social life, the administration of justice has the special task of dealing with immediate human relations in the light of the law. It accomplishes this task in the individual case by applying the rules of the law in force at a given time. This very often involves statutes passed to secure some end desired by the government. Such an end is not always identical with the concept of justice.<sup>1</sup> Mankind must realize this in an age like ours, when absolute power and tyranny have deprived men and nations of peace and justice. We are again beginning to conceive of law as a cultural phenomenon, above time and nations, the very essence of which consists of making justice real. No matter how great the temptation may be for the administration of the law, as an instrument of the state, to submit to the will of the state, it must again become aware of the fact that its first and most noble task is the administration of *justice*. Whether judicial administration will be able to accomplish this task depends on its organization and its facilities.

## EFFECT OF ROMAN LAW

German judicial administration is confronted with great difficulties which can

be understood only when we look at the history of German law since the end of the Middle Ages. At that time the profiles of two great legal orders began to emerge through the reception of the Roman law in Germany and France. This induced some English authors to divide the legal systems of the civilized world into two classes, one based on Roman law and the other on English law. This reception was carried out in the field of private law through the practices of lay and ecclesiastical courts, a common law evolving on this basis. In criminal law and procedure alone did the adoption of Italian legal doctrines, which had developed from the Roman law, take the form of a legislative enactment through the proclamation of the "Constitutio Criminalis Carolina" of Charles V in 1532. This code creatively welded ancient German legal concepts to the new legal ideas.

This development could have produced a basis for German unity in matters of law, but political events opposed it. During the fifteenth and sixteenth centuries the territories within Germany evolved into increasingly independent territorial states. The influence of the rulers, who held the power of the state, on legislation grew more and more and produced innumerable territorial regulations especially in the domain of criminal law. But neither did the Roman law, changed into the so-called "common," or general, law (*Gemeines Recht*) and steadily evolving, prevail everywhere. It was subsidiary to a great number of particular legislations. In a later stage of development the Prussian *Allgemeine Landrecht* of 1794 was in force in the Prussian provinces, and French law ruled in parts of western and southern

<sup>1</sup> The translation of the legal-philosophical part of this paper encounters difficulties which sometimes lead to seeming inconsistencies, as the two words and concepts of *Recht* and *Gesetz* in German (in French *droit* and *loi*, in Italian *diritto* and *legge*) have no counterpart in English, where "law" has to cover both concepts. Sometimes the word *Recht* is best rendered by "justice" as above. Cf. Charles Grove Haines, *The Revival of Natural Law Concepts* (Cambridge, Mass.: Harvard University Press, 1930), pp. 44 ff.—TRANSLATOR.

Germany as a consequence of the Napoleonic wars.

#### DESIRE FOR CODIFICATION

The rise and growth of national consciousness during the eighteenth and nineteenth centuries promoted a later demand for a unified national law. The general uncertainty in respect to the validity of the law governing certain areas of experience was the more strongly felt as the German lands, relatively densely populated and relatively small, grew more and more into an economic whole. This was due to great technological advances, the beginning of the industrial revolution, and the dawn of modern communications. Hence the conflicts between the laws of the different regions proved disturbing and hampering. Out of this grew the so-called codifications, i.e. comprehensive codes regulating rather extended fields of the law and excluding all other sources of law. This work was founded on the theory, based on the concepts of natural law, that it must be possible to comprehend the whole world of law in a few inclusive statutes.

This desire for codifications for the first time legally acknowledged in Sec. 64 of the National Constitution of the Frankfurt National Convention of March 28, 1849 led during the following decades to the creation of a legal system of imposing impactness.<sup>2</sup>

<sup>2</sup> See, for instance, *Gewerbeordnung* (regulation of trade and crafts) of 1869; Criminal Code for the Reich (*Reichsstrafgesetzbuch*) of May 15, 1871; law on the organizations of courts (*Gerichtsverfassungsgesetz*) of January 27, 1877; law on civil procedure (*Zivilprozessordnung*) of January 30, 1877; law on criminal procedure (*Strafprozessordnung*) of February 1, 1877; law on bankruptcy (*Konkursordnung*) of February 10, 1877; Civil Code (*Bürgerliches Gesetzbuch*) of August 18, 1896; Commercial Code (*Handelsgesetzbuch*) of May 10, 1896; law on sheriff sales and compulsory sales (*Zwangsversteigerungsgesetz*) and regulation of the Registry of Deeds (*Grund-*

#### SUPREMACY OF STATUTORY LAW

Since then German law has been based essentially on *statutory law*, while continuing to recognize the common law as a source. But, in contrast to the common law of the English world, German common law is completely subordinate to the statute. This is one of the essential differences from Anglo-American law, a difference which has become of a fateful importance for German administration of justice.

With this evolution all the natural law discussions came to an end. The supremacy of statutory law necessarily led to the regrettable concept that *statutory rule* was simply the equivalent of *right*. The administration of justice (*Gerechtigkeitspflege*) evolved into an administration of law (*Gesetzespflege*). This positivistic concept was bearable so long as the lawgiver endeavored to embody justice in law. This was still the case in the nineteenth century, and it may be assumed to be the case in states where the free popular will finds expression. But as soon as the power of the state and thus the authorization to enact laws fall into the hands of a dictator or an oligarchy and serve only to defend "reasons of state" and the power of the ruler, this positivism will necessarily debase the administration of justice to being a tool of the ruler, and strike it with blindness in respect to such "legal injustice."

This has actually happened in many respects in the legislation of the Third Reich. Under the influence of the historic school, this concept (supported by many well-known jurists, as for instance Hans Kelsen, now active in America), which holds that every command issued by the state, regardless of its content,

*buchsordnung*) of March 24, 1897; law on administrative jurisdiction of civilian courts (*Gesetz über die Angelegenheit der freiwilligen Gerichtsbarkeit*) of May 17, 1898.

has legal validity, has directly led to the dissolution of all juridical thinking.

That is one of the reasons why German justice showed so little opposition to the legislation of the Third Reich. When opposition occurred, it was done by invoking a statute whose application—especially if it was a statute enacted before 1933—was contrary to the interests of the rulers of the Third Reich. The latter tried to make their interests prevail against the law by hiding behind the adage "Right is what is useful for the people." The administration of justice of the Third Reich was characterized on the one hand by obedience to the unjust Nazi laws, and on the other hand in many cases by faithfulness to the law when it conflicted with the interests of Nazism. This very faithfulness was the reason for the resolution of the Reichstag of April 26, 1942 which practically abolished the independence of the judge.

#### RELATION OF LAW AND RIGHT

This phase of placing too high a valuation on the statute has not totally disappeared even now, as is shown by the decisions of some courts which are criticized by public opinion. But since the collapse of the Third Reich the consciousness that the roots of the law are deeper than the statute has made more and more headway. This reversal in thinking not only corresponds to the laws of historic evolution, but it is of the highest necessity in order to correct the statutes not expressly repealed, especially those of the Third Reich. Only thus has it been possible to make a selection among the statutes of the Third Reich not expressly repealed, between norms which belong more to a system of injustice than to one of justice, and obeyed only out of the fear which despotism engenders, and those whose normative power consists in the convictions of the community subject to the law.

But this raises the eternal question of the relation of law and right with all its implications. Should each statute, even the most recent ones enacted by the new legislative powers, be subjected to an examination in respect to its validity from the point of view of its "justness"? Should the decision of justice versus expediency be given to the judge, who according to the wording of all the constitutions of the new German states is subject to the law, but only to the law, or should it be placed in the hand of the legislator? Could such a right of the judge to examine the validity of a statute and the resultant pluralism of the legal views of administration of justice, of legislators, and even of different courts, be consistent with the preservation of legal rights?

This problem of the just (positive) law and the just lawgiver has raised many a conflict, unknown to the same extent in jurisdictions like the Anglo-American one, governed by the common law and therefore showing a much greater legal stability. This conflict also explains many tensions between the present German administration of justice and the new legislatures. In an orderly state in which the legislator is aware of his task of creating a just law and realizes that he has a constant duty to exercise self-control and self-correction, such a conflict can be decided only in favor of the protection of rights by law, therefore in favor of the legislator. The decision will become the easier the more the legislator wisely circumscribes his legislative activity compared with the now predominant overproduction of laws in Germany.

#### THE POWER OF PRECEDENT

One fact made it easy for some lower courts under the rule of Nazism to yield to the adage "Right is what is useful for the people," which in reality only meant "Right is what is useful for

Nazism." German legal procedure, unlike Anglo-American procedure, did not recognize the decision of a lower court as establishing a binding precedent except in the particular case in which the decision was rendered. On the other hand, the same fact facilitates for the administration of today the review of the accepted law of the Third Reich independent of the older decisions of the supreme courts.

That does not mean that decisions of the supreme courts have no influence on practice. But this influence is based only on their persuasive power and ends there. That, and no legal obligations, made it possible for the highest German court—the Reichs Court, no longer in existence—to promote uniformity in the administration of justice. Proclamation No. 8 and Regulation No. 127 of the American and British military governments have, for the first time, given to the published decisions of the new Superior Court for the Combined Economic Area of the American and British zones the power of precedents applicable in all German courts—an institution until then unknown to German law.

#### SCATTERING OF JUDICIAL AUTHORITY

The decentralization of German judicial power is a phenomenon which astonishes the Anglo-American observer and hinders uniformity in the application of the law. Besides the ordinary courts, created by Control Council Law No. 4 on Reorganization of the German Judicial System, and having jurisdiction over all civil and criminal cases except the labor cases, there exist a special judiciary in labor cases and also courts for administrative and constitutional cases, which differ in organization depending on the state. The new Superior Court for the Combined Economic Area just mentioned exercises original jurisdiction in controversies arising between the administration of the bizonal

area and a state or between different states, concerning the application and interpretation of laws for this bizonal area. At the same time it functions as a court of revision for decisions handed down by state courts, whenever in a penal, civil, or administrative case, one of the questions mentioned above is involved and the issue at law to be decided is of basic importance for the economic unity of the Combined Economic Area.

This evolution can be explained historically and by our law system. The modern state based on law rests on the legality of its administration. The demand that a court review the legality of administrative actions marks, therefore, the change from the state based on absolute power to the state based on law. While the National Constitution accepted by the Frankfurt National Convention of 1849 aimed to transfer the hearing of administrative controversies to the regular courts as in the English system, the actual developments in most of the German states led to the creation of special administrative courts on the pattern of the French system. The originally very sharp distinction in the German law (unknown to Anglo-American legal thought) between *public law*, mainly concerned with the interests of the community, and *private law*, where interests of the individual prevail, was chiefly responsible. Today public and private law have become so mixed up that a clear separation is scarcely possible, generally speaking. These and other reasons have strengthened the call for a single system of courts.

It was reserved for the Nazis, at the beginning of the war, to reduce considerably the extent of administrative jurisdiction. It was again expanded in the reconstruction of the German court system, but the movement in the different zones headed in different direc-

tions. For instance in the British zone, the old Prussian legal principle of specification is followed; only those controversies which are specifically annunciated in the statute can be decided by the administrative court. In the American zone, on the other hand, the statutes, which are essentially identical, contain a general clause which makes it possible in principle to bring any administrative decision before the administrative courts for review.

The beginning of a special labor jurisdiction goes back to the turn of the century. It was first exercised by communal courts which were completely independent of the general system of judicial administration. The year 1926 saw the enactment of a law on labor courts which envisaged the labor courts of original jurisdiction as special courts, but inserted the courts of appeal into the regular judicial system. Control Council Law No. 21 took the jurisdiction over labor questions from the courts again and turned it over to the state labor offices.

#### CONSTITUTIONAL COURTS

Only the German states of the western zones have developed a special jurisdiction in constitutional matters. Thus, the constitutions of Bremen, Hesse, Württemberg-Baden, Bavaria, Rhineland-Palatinate, Baden, and Württemberg-Hohenzollern provide for the institution of state, or constitutional, courts whose members as a rule must be elected by the legislatures; many of them must be professional judges.

The jurisdiction of these courts embraces, in general, cases of impeachment of members of the state government for violation of the constitution, and cases involving the constitutionality of legislation. They are to some degree concerned with the investigation of elections of members of the legislatures, and are called on to decide whether a group

of voters has infringed the democratic principles of the constitution. In Bremen, Hesse, and Rhineland-Palatinate they also hear the cases of judges accused of professional neglect injurious to the constitution. In Hesse, furthermore, anyone, under certain conditions, can bring a case before the state court if fundamental rights are violated.

By transferring the decision in constitutional matters to the state or constitutional court, the question, which was debated during the Weimar period, was solved, namely, should courts be authorized to decide on the literal or substantial constitutionality of a law? This question was answered in the Weimar period in the affirmative through the decisions of the Reichs Court, against the preponderant opinion of jurisprudence. It led thus to a practice corresponding to that of American law. Now the courts do not decide such issues any more in principle, but have to obtain a decision by the state or constitutional court in doubtful cases; these decisions have the force of law.

The constitutions of the states in the eastern zone shy from the decision of constitutional issues by the courts and leave this to the legislature or to legislative committees. Consequently, laws properly proclaimed are binding on every judge. He cannot inquire into their constitutionality. Only in respect to laws surviving from the Nazi period is such a right of examination by the judge recognized. This regulation in the eastern zone originates in the there prevailing objection to thinking in terms of a government based on law, and the resulting objection to the division of powers. The administration of justice is not equal to the lawgiver (or, as in the administration of constitutional justice, superior to him), but subordinated. The legislature controls not only government and administration, but also the administration of justice.

### HISTORIC POSITION OF THE JUDGE

We approach here the problem of the material and personal independence of the judge, which is still debated in Germany. Despite his acknowledged incorruptibility and his faultless personal attitude, the German judge has never gained the respect enjoyed by his English or American colleagues.

One has to take into consideration that the "crisis of justice"—which has become almost a slogan—is basically only a part of a very old crisis of the law. It goes back to the reception of the Roman law, whose Latin sources were foreign and incomprehensible to the people. At the same time many institutions of the Germanic law were replaced by corresponding ones of the new law to the disadvantage of the masses. But the jurists trained in the Italian law schools were the instigation of the reform. They pushed the old lay judges, to whom until then administration of justice had been entrusted, from the judge's bench; they took over the positions of chancellor, city councilman, and town clerk. In their hands the new law became a weapon to gain and make secure privileges for the ruling classes, in whose pay they were.

This loss of contact of the people with the law was deepened rather than lessened during the period when statutory law predominated and innumerable statutes appeared in rapid succession, couched in a language which almost defied understanding. But the learned judge always appeared to the people as the real spokesman for this foreign law. This gave rise to a corresponding loss of contact between the judge and the people. Due to a one-sided social selection, the judge usually belonged to the dominant classes or was at least close to them, and he often lacked understanding for the vicissitudes of social and economic relationships.

Add to this that in the Weimar period the judge did not become the spokesman for a new concept of the state. The Weimar Constitution mentioned the independence of the judge in Article 102. But no attention was then paid to the fact that only the courts as institutions could be independent—not the judge as an individual. He remained dependent on his attitude toward the state, which was based on his origin, traditions, and education. The fact was overlooked that the judge who continued in office felt himself to be a servant of the monarch under the monarchy, and did not revise his concept of and his attitude toward the state when the state changed its form. He felt himself—although he was not—independent of the people who authorized him to judge in their name. In this way judicial independence, personified by judges bound to the political past, often became a weapon of the state.

### PRESENT POSITION OF THE JUDGE

The technical independence of the judge thus contributed to sharpen the crisis of justice in a way unknown in countries where the form of government is no longer subject to discussion. These experiences, as well as the political conception which is opposed to the division of powers, are the reasons why the constitutions of the states in the Soviet zone declare the judge independent "in his decisions" but refrain from guaranteeing his personal independence. His constitutional right to remain in his location and retain his particular judgeship is lacking. The states of the western zones did not believe that they could renounce this right of independence of the judge. His independence of legislative or administrative pressure is mere theory, if he is always facing the possibility of dismissal from office or removal to some other place as the result of a displeasing decision.

The constitutions of Hesse, Bremen, Württemberg-Baden, Rhineland-Palatinate, and Baden have tried a compromise. They subject both the legislator and the judge, in principle irremovable and assured of his position, to constitutional control by a supreme court. If the judge has committed malfeasance in office detrimental to the constitution, he can be brought before the state court—in Baden and Württemberg-Baden, before a civil service court—with the aim of securing his dismissal, his removal to another position, or his enforced retirement.

For the reasons just mentioned, the constitutions of the Soviet zone have even turned away from the professional judge with tenure. In the western zones the appointment of the judge is still for life—apart from the judges of the labor courts, who are appointed for three-year terms pursuant to Control Council Law No. 21.

In some states there has been a departure from the principle of appointment of judges by the executive power. In Bremen, e.g., the professional judges are selected by a committee consisting of representatives of the state government (senate), of the citizenry, and three judges, while in Hesse the minister of justice and a committee on judicial appointments decide on both term and life appointments.

In some states of the Soviet zone (Mecklenburg, Brandenburg, and Saxony) the attorneys general and the chief justices of the supreme courts are elected by the legislature; in Saxony-Anhalt confirmation by the legislature is necessary; while in Thuringia such confirmation is necessary for all members of the Supreme Court.

In the western zones, limited terms have not been favored for appointed or elected professional judges, except the judges in labor courts and the legally trained members of the state and con-

stitutional courts, who must hold professional judgeships anyway.

The deciding reason may have been the fear that the judge might be influenced in his decisions by the prospect of re-election; but an additional fear was that especially gifted lawyers might choose another calling with more favorable economic prospects in preference to a temporary judgeship at the small judicial salary characteristic of many. The general financial situation and the greater number of professional judges required by the type of organization which characterizes German courts will make it impossible, for a long time to come, to approach the salaries of Anglo-American judges.

#### LEGAL TRAINING

The academic training of lawyers follows essentially identical lines in all the states. After legal studies at a university—as a rule, three years—the preliminary state board examination is taken. Then follows an internship training period of three to three and a half years in the prosecuting attorney's office, in the court, in a private law office, and in an administrative office. Then comes the great state board examination, which if successfully negotiated qualifies the candidate for a judgeship, and in the south German states for the higher administrative positions also. Only then the young lawyer decides whether he wants to become a prosecuting attorney, a judge, an attorney at law, or a higher official in the administration. While formerly only few judges came from the bar, many former attorneys, especially in Hesse, are now active in higher judicial positions.

One novelty is the introduction of the "people's judge" (*Volksrichter*) and the "people's prosecuting attorney" (*Volksstaatsanwalt*) in the Soviet zone. The people's judge is no lay judge, but



a career judge having a position fully equal to that of the judge with law school training and subsequent practice. No set training is demanded. The training is given in special schools in courses which at present are lasting one year, ending with a written and an oral examination. The lack of academic knowledge and legal training is to be balanced by moral and political maturity as compared with the judge with an academic background. The cause for introducing the people's judge was in part the great shortage of judges in the Russian zone after denazification, as well as the desire to place politically reliable persons on the bench. The institution is still being debated. In the western zones this judge is considered—whether rightly or wrongly remains to be seen—to be a willing instrument of the administration of the justice of a more totalitarian constitutional system.

In the French zone a decree of the Military Government (No. 102, July 8, 1947) has created a completely new type of lay judge. This lay judge is neither, like the popular judge of the Soviet zone, equivalent to the professional judge, nor does he correspond to the jurors who function as lay associates in the judge and jury court (*Schöffengericht*) to be discussed later. For the service as lay judge the training prescribed for the professional judge is not necessary, but suitability and juridical capacity are required. Under the supervision of a professional judge, he decides simple civil and criminal cases, sits as judge in certain civil cases,<sup>3</sup> and acts as arbitrator in all civil cases and in criminal cases based on private prosecution.<sup>4</sup>

<sup>3</sup> E.g. in probate cases, authentication of court actions, deeds, and matters concerning the registration of businesses, noncommercial associations, marital property rights, and so forth.

<sup>4</sup> Cases of private prosecution (*Privatanklagen*) are cases where the prosecution is

His decisions are reviewable by the professional judge on appeal or complaint. The lay judge is analogous to the justice of the peace in French and English law. By setting up this office it has been possible to reduce the number of professional judges considerably.

#### STRUCTURE OF JUDICIAL SYSTEM

In the Nazi totalitarian union, the individual states were degraded to mere administrative agencies. The administration of justice was transferred to the Reich by several laws enacted in 1934 and 1935. The new states formed after the collapse are again in possession of judicial sovereignty. The judicial administrations are therefore again organs of the states—except for the Supreme Court for the British zone and the Superior Court for the Combined Economic Area of the American and British zones.

The ordinary courts in all the zones are divided into district courts (*Amtsgerichte*), state courts (*Landgerichte*), and superior state courts (*Oberlandesgerichte*). Each court has as a rule several judges. In the district court there may be only one judge. Decisions are not handed down by the court as a whole, but either by a single judge or by a bench of judges. These bodies are called chambers (*Kammern*) in the state courts, and senates (*Senate*) in the superior state courts.

The district courts act in principle through a single judge in civil cases. They have jurisdiction in cases involving claims not surpassing the value of RM 2,000, and in some cases without regard to the value, e.g. cases of rentals and leases. In the Soviet zone they also have some jurisdiction in matrimonial matters. In the American and British zones there are attached to the district

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pressed by the injured party and not by the public prosecutor, because the state has no special interest in prosecuting the offender.

courts special farmers' courts consisting of a judge and two farmer associates who handle all cases involving rural land laws.

In simple criminal cases the district judge acts alone. Otherwise he is assisted by a board of lay judges again instituted in connection with the more important district courts. This bench consists of a professional judge and two lay associates. In Hesse a second professional judge may be added on demand of the prosecutor if the case is important or involved.

The state court consists of a president judge, directors as presiding judges of the individual chambers or branches so far as these chambers act as a body, and the necessary number of constituent judges. The civil chambers have as a rule three members; in some states, for instance in Hesse, these chambers consist of a single judge when exercising original jurisdiction. The civil chambers serve as appellate courts for decisions of the district courts, and as courts of first instance in all cases not within the jurisdiction of the district courts. It may be noted here that on appeal both the facts of the case and the law may be re-examined by the state court; but the revision (appeal from the state court to the superior state court) is limited to points of law. The revision differs from the "cassation" of the French law in that the former subjects the whole decision to an examination as far as the substantive law is concerned, and in that the revising court not only can quash a decision but may modify it.

### *Special courts*

The departments of justice can set up special chambers for commercial cases if need be; these chambers have a professional judge as chairman and two commercial judges. The office of commercial judges is honorary and limited to three-year appointments. It may be

filled by registered merchants<sup>5</sup> and executives of business organizations such as stock companies, corporations, and so forth.

Recently so-called restitution courts (*Wiedergutmachungskammern*) have been set up in the American zone. They are composed of one presiding and two associate judges, who must all be qualified for higher judicial or administrative posts. The presiding judge must be a member of the regular judiciary; the associates are appointed for three years unless they are regular judges. One of the three judges shall belong to a group of persons persecuted by the Nazis. This tribunal was set up by Law No. 59 of the American Military Government in order to apply that law, the aim of which is the restitution of identifiable properties taken away in the period from January 1, 1933 to May 8, 1945 for reasons of race, religion, nationality, world views, or political opposition to Nazism.

In the French zone there are similar so-called restitution chambers set up by an analogous law of the French Military Government.

### *Jurisdiction*

The state courts have jurisdiction over criminal cases, which are tried by the criminal branch. In some states these function as courts of appeal from decisions of the district courts, in which instance a presiding judge and two lay associates deal with the case. The criminal chambers have original jurisdiction over cases not falling within the jurisdiction of the district judges or a jury. The chamber is then composed of three

<sup>5</sup> Businesses of a certain scope, measured mostly by the taxes they have to pay, have the right and the duty to be listed in the commercial registry (*Handelsregister*). One of their privileges is to be permitted to deal under a trade name: "Firma." Their owners or partners are *Vollkaufleute*, i.e. full-fledged businessmen.—TRANSLATOR.

judges, who in some states have two lay assistants.

In most of the states jury trials have been re-established, but the functions of the jury are very differently defined. Generally, a jury functions only in serious crimes (murder, voluntary manslaughter, robbery, extortion by robbery, perjury, and so forth).

The superior state courts are composed of a president, the senate presidents who are chairmen of the several "senates," and the necessary number of counselors. The senates are composed of three judges including the chairman. There are no lay judges in the superior state courts.

In the American zone the superior state courts merely examine the decisions of the state courts. They review only points of law in connection with the controversial decision; they do not deal with points of fact.

In other zones, on the contrary, they sit as courts of appeal in civil cases. In the British zone the German Supreme Court for the British zone in Cologne serves as the highest court of review. The Superior Court for the Combined Economic Area has its seat in Cologne, too. This court, as has already been mentioned, is competent as court of revision against decisions rendered by the state courts of the Combined Economic Area in cases originating in those state courts. It functions as court of super-revisions in deciding on cases of the revision courts.

### *Prosecutors*

Both at district courts and higher courts there are prosecuting attorneys who co-operate to some extent in civil cases, but whose main task consists in the prosecution of crime and the execution of sentences. They are independent of the courts. They are not judges, but in the western zones they must be qualified for the judiciary.

In the Soviet zone there are so-called "people's prosecutors," besides attorneys with academic training. These people's prosecutors have the same preparation as the people's judges. Aside from the cases initiated by private prosecution, the prosecuting attorney has a monopoly on prosecutions. He must prosecute any offense which comes to his notice if the facts seem to warrant it. This is the so-called principle of legality (*Legalitätsprinzip*). Only in violations (offenses punishable by jail or fines up to 150 marks) and in misdemeanors (offenses punishable by simple imprisonment—not hard labor—or fines over 150 marks) may the prosecutor refrain from prosecution when the guilt of the offender is small and the consequences of the offense insignificant.

### JUDGES AND JURORS

At the start of the war, the Nazis eliminated all lay judges (except the People's Court judges) from the administration of justice. Now they have returned, to an extent varying with the different states. In civil courts they are now active as commercial judges, as associate judges in farmers' courts, and in lower courts as associates representing employers and employees. In some states the administrative court system also provides for nonsalaried lay judges in the lower courts. The jury is totally unknown, however, in civil cases.

In criminal cases laymen participate as associate judges in the judge and jury courts and in the petty and grand criminal chambers.

The Grand Jury as an indicting body is also unknown to German law. But the second reception of foreign law, i.e. the adoption in the eighteenth century of French law on the constitution, criminal procedure, and court organization, led to the establishment of jury courts (*Schwurgerichte*), consisting of three professional judges and twelve jurors.

This institution was preserved until 1924. The jurors decided on the question of guilt, the professional judges on the punishment. In 1924 the judge and jury court was established composed of three professional judges and six laymen, who jointly decide both questions of guilt and of punishment. The title of jury court (*Schwurgericht*) was retained. Considerable differences are observable in its organization. In the British zone the jury court consists of three professional judges and six jurors; in Thuringia and Hesse, of two professional judges and seven jurors. In Bavaria the old-type jury court has been re-established, with the difference that the jurors alone decide the question of guilt, while the punishment is discussed and decided jointly by judges and jurors, in accord with the system in force in France since 1932.

#### UNIFICATION DESIRED

Constitutional and political developments, especially the failure of the Control Council and the division of the country into four occupation zones, have not only led to an immense atomization

of the substantive law, but have also caused the gradual breakdown of the once unified structure of judicial organization and procedure. The old outlines are still visible, but the jurisdiction of the courts, their personnel, appeal and revision, the legal attributes of the judge, and the procedure in many of its details differ so much in the different occupation zones, even in the different states within the same zone, that it is difficult to get a comprehensive view of the legal situation.

Since the abolition of the Reichs Court one can no longer speak of uniformity in decisions. The consequence of this atomization and destruction of the law is an enormous insecurity in respect to law, heightened by the quite different attitude toward the administration of justice in the western zones as compared with the Soviet zone. This difference clearly reveals, in this field as well, the main differences in constitutional ideas and outlook on life. To regain the unity which the law had of old is not only the devout hope of the German jurists, it is demanded by the whole people, who daily feel its loss.

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# Denazification

By ARTUR STRÄTER

A free and law-abiding society cannot be fostered by ticketing millions of people on the score of what they have done, said or even thought in the past, and penalizing them accordingly. These are totalitarian methods.

—Victor Gollancz <sup>1</sup>

Hitler got into power, *not* because he promised to eliminate the Jews, *not* because of the fatuous Rosenberg mysticism, *not* even because of the ruthless propaganda of Goebbels and his minions. Hitler got into power because he promised the people bread and national self-respect.

—Stephen King-Hall <sup>2</sup>

No statesman, no economist, no general, no teacher, no writer, nobody with common sense at all still would live in freedom, if erroneous ideas were to be punished with life imprisonment, or death. We would all have to jail and kill each other.

—Eugen Kogon <sup>3</sup>

THE opinion of the whole world, as far as we Germans can survey it, agrees with the opinion of all German parties and the whole German press of the four zones, that denazification as practiced in each of the four zones—the American, the English, the French, and the Russian, each of which follows its own special rules—has up to this time been a complete failure. An expert lawyer in the American zone summarizes his point of view in the *Mannheimer Morgen* (a newspaper in the American zone) of May 25, 1948 by calling the handling of denazification a “Nazi practice.”

Secret orders, conferences behind closed doors, group conspiracies, imprisonment, threats, extortion, the jailing of relatives,

<sup>1</sup> Victor Gollancz, the well-known British-Jewish political writer, in the London *Times*, April 15, 1947.

<sup>2</sup> Stephen King-Hall in “National News Letter,” August 28, 1947.

<sup>3</sup> Eugen Kogon, well-known author of the book, *Der SS Staat* (“The SS State”), for many years prisoner in the Buchenwald concentration camp, in “Das Recht auf den politischen Irrtum” (“The Law Concerning Political Error”), *Frankfurter Hefte*, July 1947.

the whole evil gamut of Nazi procedures have been revived here. The whole blessed caboodle of the Nazis’ heyday, that we thought destroyed, has reappeared at this provincial witches’ Sabbath, disguised as good, honest democratic fellows, and until now nobody has chased them away. They sneak into office and help each other to position and honors, and the renazification of Germany is being achieved by brazen bureaucratic tactics. The opposition is cunningly throttled and rendered harmless.

This is also the opinion of a great part of the German public.

## CRIME VERSUS ERROR

I must beg my American readers not to regard as arrogant someone belonging to the still often despised German people, when he states that in the procedure of denazification, most probably, only a German can fix the boundaries between *political crime* that has to be atoned for and *political error* that no civilized nation ever has punished.

Only he who lived in Germany during the Third Reich—this witches’ broth of fraud and imposition—to the bitter end is capable of a just appraisal. The statements of those who witnessed only the

first part of the German tragedy and then, in the hardship of their own fate as emigrants, could follow the events in Germany only from the outside and from afar can but be incomplete and distorted in one direction or another. It is the same with the members of the military government and the occupation army, with whom the final decision rests. Even with the best of intentions, they are subject to mistakes because they lack the knowledge of the inner circles. A high officer of the military government, who during his more than two years' sojourn in Germany has carefully studied the development of National Socialism, once told me: "I know more today than in 1945. Had I lived in Germany as a German in the Third Reich I, too, probably would have been deceived by the catchwords of the N.S.D.A.P. [Nazi Party] and would have become a party member." Some people even maintain that only a Nazi Party member of high rank and with opportunity to look behind the curtains of the Nazi workshop of crime might be able to draw a true, comprehensive picture of what really happened in Germany.

The writer of this article is not one of these experts. He lived in Nazi Germany as a second-class citizen and lawyer. But within the discreet walls of his consultation room he learned much from the adherents, as well as from the opponents, of National Socialism, because his informers felt themselves protected by his professional ethics and his never doubted opposition to the Nazi regime.

I do not intend to write a scholarly legal paper about the nature of National Socialism and how to combat it. This paper is simply the testimony of a man who by profession has to be objective; who on the one hand is fully conscious of the obligation of the German people to make compensation, and on the other

hand, as a passionate fighter for justice, must speak unpleasant truths when truth and justice are at stake.

I realize that my presentation may cause astonishment, even rejection, because until now, people abroad have not viewed matters from such an angle. Nothing would please me more than to be permitted an oral defense of my report. At least, I pray my American readers to believe that I am guided solely by the principle of "the truth or nothing."

#### NAZI DECEPTION OF GERMANS

A tragic impotence frustrated a revolution in Germany. The reasons are obvious. The dictatorship of Hitler had become so powerful that a revolution was possible only if sponsored by the military power. There is no longer any doubt about the failure of the military leadership to do so. I cannot discuss the details here.

The more manifest Hitler's rule by force became, the more did even the common man, the average party member, realize that Hitler's propaganda, so effective abroad, was aimed not only at deceiving the foreign countries, but, most of all, at deceiving the Germans themselves; and the stronger became the inner readiness of large parts of the German population to support an overthrow of Hitler by violence. For instance, a successful July 20, 1944 would have had, with a few exceptions, the support of the German masses including millions of disillusioned and deceived party members. Then there would have been no "follower" problem in the denazification, which has created such great difficulties for the military government and for the Germans.

Supported by local war propaganda, the idea formed abroad that the German nation as a whole not only was Nazistic, but even approved of the unbelievable terrors of the concentration camps,

which in fact had been carefully hidden from the German people—a claim that can no longer be doubted today.

The great Nuremberg trials have thoroughly shattered the assumption mentioned. On the occasion of the International Congress of Jurists at Constance in June 1947 a great sensation was caused, even among Germans, by the fact established during the trials that it had been possible to hide the so-called "euthanasian measures" (the killing of mentally sick and feeble-minded persons for political and racial reasons) from the Reichsminister of Justice, the late Dr. Gürtner, for more than a year. Can you, in a democratic country like America, possibly imagine that the highest-placed jurist of the country, a member of the Cabinet, could be so deceived by his own government? Today the whole world knows that every dictatorship operates like this behind the iron curtain. The stupification and intimidation used today in Poland, Bulgaria, Rumania, and Czechoslovakia by a communistic dictatorship had already been practiced by the "Führer" in all details and with the same tactics, with his diabolical propaganda machine.

But while today everybody realizes the falseness of dictatorial propaganda, Hitler not only succeeded in deceiving the greatest part of the Germans but also foreign countries regarding the aim of his domestic and foreign policies. Churchill's memoirs, just published, save the German publicists from the thankless task of giving further evidence of Hitler's success in deceiving especially European statesmen during 1933–39.

The denazification policies of the victorious powers are based on the Allied Control Council Directive No. 24 of January 12, 1946. These policies, which in spite of their common basis are carried out in quite different ways in the four zones of Germany, pay no attention

to the facts mentioned. The basic law rests entirely on the thesis of collective German guilt, which was convincingly rejected in the decision closing the first trial at Nuremberg.

Control Council Directive No. 24 has not yet been amended. It proceeds from the legal assumption, explicitly refuted in the Nuremberg decision, that those named in the official membership list of the N.S.D.A.P. (the Nazi Party), its branches or affiliated organizations, were personally responsible and liable for the terrors of the Nazi period.

#### PERMEATION OF SOCIETY

Can it be that it is not fully realized abroad that the Nazi system of dictatorship and spies did not even shy away from the matrimonial bed or the kitchen; that boxing had to be National Socialistic; that football and chess could be played only by organizations dressed up as National Socialistic; that, as ordered by those in power, not the name of our Lord but that of Hitler was to be hallowed in the prayers of the children?

Do you know today, at least in America, that hundreds of thousands of men and women entered the party out of fear of the party and only for the sake of being left in peace?

In my earliest conversations with members of the Allied occupation forces, I met incredulous astonishment when mentioning facts such as these, that can be assessed only by those who lived in Germany during the Third Reich and experienced its terrors.

The events in the eastern zone and in Czechoslovakia, for instance, clearly prove that the same primitive means of intimidation, boycott and coercion, violence and treacherous denunciation, together with effective mass propaganda, are everywhere the pacemakers for the single-party system and the dictatorship state. Who would ever make us believe

that the recent elections in Czechoslovakia reflect the true conviction of the pitiable Czech people!

It was exactly the same here in Germany.

But it appears that at the time Control Council Directive No. 24 was drafted, it was not yet realized how a single party system or a totalitarian state can be artificially established while outwardly preserving the form of legality. Otherwise it would have been impossible to try to make millions of members of the National Socialist Party responsible for the criminal policies of its top layer of responsible leaders.

#### UNJUST ADMINISTRATION

Do you know in America that on April 1, 1947 about 28 per cent of the population over 18 years of age in the American zone, or 3,303,557 out of 11,905,565, had been dismissed from their professional jobs? Those who had unusually good connections were excepted.<sup>4</sup> Do you know that only "common labor" has been allowed to these members of the party, whether real or formal, thereby degrading honest manual labor and imposing on it the character of punishment?

Do you know that in all the German zones it was the little man who was made "unemployed"—the government clerks, the streetcar men, the locomotive engineers, the street cleaners, and the lumberjacks? Do you know that instead incriminated Nazis knew how to get by—that when they were not allowed to work in the American zone they were cleared in the British zone, and vice versa?

Is it known abroad that it has not even been allowed to enact a uniform law for the states of the British zone; that the French zone walks its own way; that in the Russian zone a party was recently established with the unconcealed

aim of accepting primarily former National Socialists?

Do you know that Furtwängler, Germany's most famous conductor, also highly esteemed in America, has been acquitted (and we in Germany think quite rightfully) in spite of his having received the highest rank and honor of a Councilor of State in the Third Reich, but that, on the other hand, musicians and artists of lower degree have in great numbers been denied the right to carry on their profession?

Is it known that in 1945 students were denied admission to the universities because of having played football in 1935 and having therefore had to register as members of the National Socialist League for Physical Exercise?

Do you know that there is no uniformity in law within the different states, not even within the same city, so that a party member, in parallel hearings, may be dismissed from and reinstated in his position at the same time?

Do you beyond the ocean realize a fact, well known here by every child, that the commissions set up to decide the fate of party members have become tools of political intrigues, so that it is often no longer a question of eliminating militarists or active National Socialists, but of checkmating present political or economic adversaries, and that unpopular superiors, who had been harmless or perhaps merely suspected of being party members, have been pushed out of the way by this very convenient method?

Are you familiar with General Clay's comment in 1947 that the denazification in the American zone had become an instrument in the political class struggle?

Do you know that it is precisely the thinking part of the population in Germany that is thoroughly opposed to this kind of "legal procedure"?

Do you realize that in a country that for decades had no single case of bribery

<sup>4</sup> Kogon, p. 646.



of a judge (not even in the Third Reich of Hitler) there is bound to be criticism of and aversion to the venality of members of the commissions, the many cases of corruption, and extralegal influences?

This sad situation, acknowledged by every German and foreign expert in these matters, urgently requires a radical reform.

### FALSE PREMISES

What are the reasons for this development, which is so terrifying and so dangerous for the domestic peace of Germany?

The sponsors of Control Council Directive No. 24 did not know the real situation during the Nazi period. They imposed the collective guilt on each little treasurer of the N.S.D.A.P., each chairman of some nazified athletic club, men who filled but little hollow posts in the Third Reich. So each of these men had to produce evidence against their presumed guilt.

Where in the whole civilized world is there found a procedure that does not oblige the prosecutor to prove the guilt of an accused, but instead requires the latter to prove his innocence, as in the denazification procedure? By what right is a true political error punished and a harmless citizen deprived of his job merely because he was deceived by the propaganda of a party that had come to power in a democratic state and seemingly in a legal way—the same propaganda that deceived the foreign statesmen of the whole world, witness the English statesman Chamberlain, for instance? Hitler came to power in Germany because he promised jobs to the millions of unemployed and “national self-respect” to the average German, who readily harkens to national tunes.<sup>5</sup> There have always been political pied pipers. Hitler was the most successful

of these political swindlers in modern history.

Who would now conceive the grotesque idea of holding accountable all the members of the unitary parties that survive only by coercion, e.g. in Czechoslovakia or Poland, as has been done in the denazification of Germany?

### NAZISM AIDED BY FOREIGNERS

Won't the inevitable conclusion ever be drawn from the acknowledged fact, that the prosecution of followers is a “totalitarian method”?<sup>6</sup> Won't they be granted the right to commit the same mistake as the former British Prime Minister, Lloyd George, who in 1936, after having visited Hitler on the Obersalzberg, declared to two Germans: “In my opinion, this Hitler was a gift from Heaven to you.”<sup>7</sup>

It was often difficult, particularly for us the convinced opponents of Nazism, when foreign countries apparently maintained the best and warmest relations with Hitler, and by this fact alone provided new fuel for the Goebbels propaganda machine. Professor Röpke, the stout democrat who in 1933 emigrated to Switzerland, writes in this connection:

We witnessed the depressing show of representatives of foreign countries not hesitating to shake hands with murderers, liars, arsonists, torturers, extortioners, sex perverts and the rest of the crew. We saw them rush to the fetes of the National Socialists and eagerly behave as if these people, risen from the gutters of society, were worthy of special attention.<sup>8</sup>

<sup>6</sup> Gollancz.

<sup>7</sup> *Der wahre Lloyd George*, by A. J. Sylvester.

<sup>8</sup> “Die deutsche Frage” (Erlenbach-Zürich: E. Rentsch), p. 26. As the author could not get recent German-language books, published in Switzerland, on account of currency regulations, he has been obliged to quote from newspaper notices.

<sup>5</sup> King-Hall.

## IMPRESSIVE ACHIEVEMENTS

The mass of the German people therefore had to assume that everything was all right. The German people no longer had an opposition press, and heard only what they were supposed to hear, as do today the dictatorially governed people of Russia, Poland, and Czechoslovakia. They witnessed the growth of the German Empire, the annulment of the Treaty of Versailles, the withdrawal of the occupation army from the Rhineland, which produced national enthusiasm. Goebbels' propaganda constantly emphasized that the Weimar Republic, 1919-33, had not been able to accomplish this, and that they owed it exclusively to National Socialism and its "great leader." The naval agreement with England (1935), the Olympic Games in 1936, to which the youth of the whole world rushed, and where Hitler received homage from official representatives of the whole world—are these not events in the life of a people that would equally have increased the prestige of a democratic regime in Germany?

## THE GERMAN MENTALITY

There is no need of any special knowledge of the psychology of the masses, who have always been influenced by external appearances, in order to understand how the German people inevitably were driven into Hitler's arms. We who are apprehensive democrats do not overlook in that connection the fact that because of the particular development of the German people during the last two hundred years, they have more and more lost the capacity of forming an opinion independent of their government. In contrast to the American people, who keep a sound democratic distrust towards every government, the average German is devoted to his government and is politically naïve.

It was this quality that rendered the average German particularly susceptible to National Socialism, and it explains the millions of followers since 1933, who, blinded by external successes, literally flocked to Hitler. That is why they are punished today by being degraded to second-class citizens and by being divided into categories. Today we have in Germany first-, second-, third-, fourth-, and fifth-class citizens.

Here lies the reason also for the failure of denazification, which in no way takes into consideration the passive national characteristics of the party followers.

Categories I and II (major offenders and offenders) are of no interest here, since they are people who (only 2.3 per cent of all those concerned) committed real crimes, though probably not every person adjudged to be an offender would have been convicted of a punishable action in a real judicial proceeding.

## PUNISHMENT OF OPINIONS

We are mainly interested in groups III and IV (lesser offenders and followers), who are differentiated from each other only by the degree of their manifested beliefs in the Third Reich. I have to make it very clear: It is the first time in the history of modern democracy that, to make up for a miscarried revolution, masses of the population are tried without any constitutional guarantees of a just trial and that millions of people will be labeled by what they once said, or merely thought, and punished accordingly.<sup>9</sup>

The punishment of opinions is a stain on our culture—a typical manifestation of the Third Reich, in which opponents of the accepted opinions were driven into concentration camps or made destitute. We note the same cultural stain in the newly formed Communistic dictatorships such as Czechoslovakia.

<sup>9</sup> Gollancz.

The Englishman Gollancz, quoted above, quite aptly called the punishment of opinion in the denazification a totalitarian method.

Maybe we Germans did not even have the right to complain about it, because that too happened according to Nazi law. But in the face of injustice inflicted or threatened, a fair-minded person has no more right to keep silent than the German democrat who must helplessly witness the construction of a new democracy begun by totalitarian methods and therefore undermined from the start. How can we ever convince the former National Socialists that the basic principle of a democracy is freedom of thought if, as the first action of this new freedom, we punish the ideas of yesterday—already recognized as wrong—with unemployment, dispossession of dwelling, labor camps, and defamation? An intelligent public policy should never be dictated by revenge. This criticism, which does not please those responsible, is often misunderstood, especially by the German commissions in whose hands the military governments have placed the denazification. Until December 31, 1947 these commissions in the British zone did only investigating work, and all decisions were made by the British Military Government. However, in the American zone, as early as the spring of 1947 the commissions were given greater authority, though the American Military Government of course reserved the right to make the final decision in the individual case.

#### POLITICAL CORRUPTION

A further basic evil lies in the fact that, instead of entrusting regular courts with the proceedings, the decisions were left to commissions, composed exclusively or almost so of persons selected from a political point of view.

Confirmed German democrats warned that it was hopeless to begin by making

political adversaries the sole judges, but such warnings were disregarded. The tragic results prove that we, with our knowledge of the German mentality, were right. Most of the commissions turned out to be the revengeful revolutionary tribunals of the class struggle, of corruption, venality, and political egotism. Thus it often happened that the issue decided was not activity in the National Socialist Party during the Third Reich, but the defendant's present party attachment. Under the very eyes of the military government these commissions have been and are eliminating the political opponent, the economic competitor, or the manager, who loses his job not because he was a National Socialist but because he is a pawn in the class struggle. Yet every child knows that we need every man in the reconstruction of Germany under the Marshall plan, except those dangerous Nazis who due to their position or their influence might sabotage it. Envy, inadequacy, presumption, coupled with political stupidity, have led to the elimination of so many scholars, engineers, scientists, and members of other academic or high professions that one can talk about an "intellectual shrinkage," and justly so.

#### DISAPPOINTMENT WITH DENAZIFICATION

I am fully conscious that in the scope of this article I can give only the roughest outline of the inadequacy of the denazification and of the deep disappointment of the whole German people. I cannot conceal the fact that those who actively or passively support this undemocratic procedure, whether for personal and quite understandable reasons (desire for revenge) or for politically selfish reasons (a place at the trough), are fighting for a harsher or even a permanent denazification pro-

cedure. They are a small but very loud minority.

We, the worried critics, are not secret fascists. We hate National Socialism because we love freedom. But we do not want an unjust treatment of the innocent "National Socialist" as we ourselves were unjustly treated during the Third Reich. It is not good policy to make martyrs. A National Socialist wrong never becomes right under the democratic flag. It is a grateful duty to be able to tell the American reader that many of those very aliens and Germans who suffered unbelievably in the concentration camps are supporting us in our effort to deal justly with our National Socialist opponents.

The evil suspicion that the critics of denazification have tried to sabotage it in the interest of the Nazis can be traced back to the circle of revengeful, incorrigible Germans. Such imputations cannot be justified in any way. The German resistance movement already had detailed plans for calling the responsible National Socialists to account when the desired overthrow would succeed. It did not succeed!

But when the victorious troops marched in, opportunity was still there, but it was missed. The Germans knew the fanatic activists of every town, every village. On them the hatred of the German population was centered—not on the victors. Reliable democrats at that time would have willingly given the occupation army the names of those Nazis suspected of active participation in the crimes of the regime. But unfortunately German advice was not wanted, and so it happened that responsible Nazis could "get by" in various ways or go underground during the confusion of the collapse. Instead of this small number, compared with the millions of the population, millions of deceived followers found themselves held responsible because their names were in the member-

ship lists of the 99 groups and subgroups mentioned in the law of the Control Council.

#### PARTY MEMBERS THROUGH FEAR

Is it known abroad that a young man in Germany had as good as no chance at all to become a judge, a teacher, a lawyer, or a civil servant without being a party member or at least a member of one of the numerous National Socialist organizations?

Is it known that out of fear of losing the means of livelihood again after so many preceding years of unemployment, hundreds of thousands of politically indifferent people became members of the N.S.D.A.P.?

Can anybody who expects to be taken seriously doubt that a substantial percentage of the present one-party members in Yugoslavia or Czechoslovakia are not adherents of the regime, but are party members out of fear, indolence, and the understandable wish not to attract the attention of the spies of the all powerful party and not to be tormented and persecuted?

Can there be any doubt that it is for the same reasons that the protégé party of the Russians, the Socialist Unity Party, in the German eastern zone shows such an enormous number of members?

*It was exactly the same in Germany with the Nazi Party, and it should finally be understood that the denazification has by far too broad a scope, because it persecutes all these accidental party members.*

Every honest German will welcome a true denazification, the goal of which must be to seize the guilty National Socialists, i.e. the major offenders and the offenders.

#### A FAR-FLUNG NET

According to official information from the Council of States of the American zone, which I requested for inclusion in

this article, the situation is as follows (May 1948): Through a comprehensive registration, 12.3 million names were secured; 9 million (81 per cent) were eliminated as exonerated. Of the remaining 3.3 million, more than two million benefited from an amnesty because they were so little—if at all—guilty that they were practically put on the level with the exonerated. There remained 1.2 million to be dealt with, of whom, after two years' activity by the commissions, only about 700,200 have been disposed of. More than 450,000 proceedings are still to be held, at enormous financial cost.

What shocks one is the meager results of the 700,192 cases already settled: 38 per cent of them had to be dismissed, 2 per cent led to acquittal, 46.5 per cent were followers and 11.1 per cent little involved. Compare these with only 0.15 per cent (!) major offenders and 2.2 per cent offenders.

And then one remembers that in April 1947 in the American zone alone more than 3,300,000 people had been removed from their jobs, most of them immediately after the occupation in the spring of 1945, they and their innocent wives and children rendered destitute, many of them full of hatred for "totalitarian methods" that punished opinions. Of 700,192 accused, only 1,046 proved to be major offenders and 15,389 offenders; 77,965 were lesser offenders (class III), and 325,083 followers (class IV). All these were punished for their opinion, compared with 280,709 acquitted (14,251), pardoned (251,287), or dismissed cases (15,171).

These figures speak a clear language. Every impartial reader will now understand that this mass prosecution which has had such unsatisfactory results and which for years has, in a single occupation zone, alarmed or frightened people or made them apathetic, is not designed to arouse love for the democratic idea.

You will now understand the conclusions of American and British legislators who have described this kind of democratization of the German people as "sheer madness," "totalitarian methods," "a bloodless Jewish pogrom in reverse," after travel through the German zones had given them opportunity to form their own judgment.

The experiences in the American zone are fundamentally identical with the disconsolate results in the other zones, though every occupation force has its own plan. The German domestic political balance looks still more depressing when one adds the fact that nothing decisive has thus far been done in favor of indemnities for those persecuted by the Nazi regime, for the prisoners of the concentration camps, for the survivors of those murdered or deprived of their civil rights.

#### WHAT CAN BE DONE?

Only quick decisions might be able to avert a final catastrophe. Denazification should be restricted to three large groups: the criminals of Nazism, the profiteers, and the really dangerous Nazis.

1. Anyone who, protected by the Nazi regime, committed crimes is to be punished rigorously and without hesitation.

2. The profiteers of Nazi despotism must return the profits gained through their close connections with the Nazi Party. Here also belong numerous officials and employees who owe their position or their promotion not to their accomplishments or their ability but solely to their having been pillars of Nazism. They must vacate their posts, and unjustified promotions must be canceled.

3. In addition, only really dangerous Nazis are to be dismissed from their positions, who because of their political behavior during the Nazi regime represent a danger to the democratic state.

Finally, a persecution of the "little" employees and officials who, for reasons explained above, became party members, willingly or not, ought to be stopped.

Denazification should definitely be limited to the really influential key positions in the state, the administration, and the economy.

We democratic Germans should not be thought of as weak and empty-headed, incapable of energetic measures. After our experiences with dangerous Nazis it is but a democratic duty and a right of self-defense to rid ourselves of them. Toward such people we must take courage for radical measures.

Unfortunately the denazification has not yet restricted itself to these basic requirements.

The senseless and politically unwise mass prosecutions which have had ten millions of Germans in mind instead of just the 2.5 per cent of manifestly guilty and dangerous Nazis, inevitably had to fail.

A reform can take but one of two directions. Either the military governments of the United States, England, and France should of their own accord drop the present policy and restrict denazification to true criminals, profiteers, and dangerous Nazis, or they should allow the German governments to accomplish such a reform on their own responsibility and on legal principles uniform for the three western zones, the eastern zone being unapproachable for the time being.

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# The Economic Situation in Germany

By WALTER EUCKEN and FRITZ W. MEYER

**A**FTER the war Germany lost about 25 per cent of the territory which it had in 1937. The areas which were so lost are East Prussia, Silesia, West Prussia, two-thirds of Pomerania, and in the west, the small but economically very important Saar district. Except for the last-named, these are regions which in the past produced a rich agricultural surplus. Besides providing for their own population, they were able to produce food for roughly 4.5 million people in other parts of the Reich. Their industries were largely engaged in the processing of food and timber. In Upper Silesia there was also the second largest center of German heavy industry. In the Saar district and in Upper Silesia there were about one-quarter of the German bituminous coal deposits and of the actual coal production of the Reich. It is fair to assume that with these territories Germany lost approximately 20 per cent of the productive capacity which it had in 1936.

## POPULATION AND LABOR POTENTIAL

The population of the lost territories had to be absorbed by the reduced Germany. To be sure, of about 15 million inhabitants who before the war had lived in the area east of the Oder-Neisse line, only 7 million arrived as refugees and deportees. The fate of a substantial part, at least, of the "residual" 8 million is not known. One has to assume that more than half of them have perished or have been sent into slavery, and this does not take account of those inhabitants of eastern Germany who have died as soldiers or who have become prisoners of war. The transferred population consisted almost entirely of women, children, and old people. Over and above their numbers, the reduced

Germany had to absorb 3 million people who had to leave Czechoslovakia and other countries.

Rump Germany—the territory of the occupied zones and Berlin—had before the war a population of approximately 60 million people; i.e., a population density of 168 per square kilometer. German war casualties of soldiers and civilians are estimated to amount to 4.5 million people. As opposed to this population loss, Germany since 1939 has had a population increase of 13 million as a result of the surplus of births over deaths, influx of refugees and deportees, and displaced persons who have remained in Germany. Thus the total population of present-day Germany numbers nearly 70 million. With roughly 196 people per square kilometer, it has about the same population density as Great Britain and Northern Ireland.

The figures just quoted could lead to the belief that the existing labor potential of Germany was measurably strengthened by this greatest population transfer of modern history, distressing as the circumstances under which it occurred may have been. However, the situation is more complex. On the basis of German prewar and present-day western European standards, the labor potential has decreased in spite of the apparent population increase. The productive age groups of male workers have been depleted by death, invalidity, and lack of training.

## WARTIME CHANGES IN PRODUCTION

But what of Germany's industrial plant? Between 1933 and the first years of the war, productive facilities were tremendously extended. This was not an all-round extension, however.

On one hand, credit policies, manpower direction, prohibition of investment, and limitation of imports of the necessary raw materials were brought into play in order to hold down consumer goods industries and consumption itself. On the other hand, capital goods and armament industries absorbed the whole increase of productive capacity gained by enforced saving and centralized economic planning.

The intensity with which this shift in Germany's economic structure to the production of "cannons instead of butter" was carried out can be gathered from the fact that between 1933 and 1939 even agriculture lost 1.5 million workers. This happened in spite of food production drives and attempts at establishing economic self-sufficiency. The 1.5 million workers did not represent the absorption of manpower surplus, but an actual loss of manpower to agriculture. The size of this loss becomes particularly impressive if one considers that during the whole industrialization period from 1882 to 1933, German agriculture had suffered a total manpower loss of not more than 2.2 million workers.

Of course, the production of consumer goods was further curtailed as far as possible during the war years. It is a bitter irony of fate that the wartime bombing of Germany did much more harm to the already underdeveloped consumer goods industries than to the armament industry. The plants of the latter were largely erected after 1933, and their locations had been selected with a view to air-raid protection. Consumer goods industries, on the other hand, were left in their old locations, which were mostly in the cities.

#### ALLIED INDUSTRIAL POLICIES

After the war, those industrial plants which had been spared from bombing and other effects of combat were

claimed for reparations. In March 1946 the Allies issued a plan for reparations and the postwar organization of the German economy. This plan determined the industries which were to be completely dismantled, and fixed the production limits for the remainder in percentages of the production values of 1936. The plan set these limits at between 15 and 40 per cent for mining and capital goods industries. For processing industries the limit was fixed at between 60 and 78 per cent. A few branches of industry (construction, furniture, and bicycle) were to remain untouched. The productive facilities of industries which had to be completely dismantled and those which were not necessary for the productive capacity allowed to other industries were intended to serve as reparations. Except for the dismantling of armament plants as such, this plan was never put into effect.

In the eastern zone the Soviet Union has followed its own discretion in removing factories, partly including the workers, and in the dismantling of transportation facilities. It has transformed the ownership of the most valuable remaining enterprises into Soviet stock companies. This means that it has left them in the old location but transferred their ownership to the Soviet Union. According to the industrial production plan for the second quarter of 1947 in the eastern zone, these Soviet stock companies were counted upon to produce 27.5 per cent of the total industrial output of the zone. Another 65 per cent was to be produced by communal enterprises; so that apparently the proportion of private enterprise was around 10 per cent. This means, of course, that for all practical purposes industry in the eastern zone was completely socialized. Agriculture had been started on the road to collectivization even earlier, by expropriation and re-



distribution of farm land exceeding 50 hectares. Estimates of the present industrial potential of the eastern zone vary between one-third and two-fifths of the capacity of 1936. In view of the increase in population since that time, this means less than one-third of the per capita level existing before the war. Of the output which can be achieved with these residual facilities, at least one-third, but probably more than one-half, goes to the Soviet Union.

#### PRODUCTION POTENTIAL IN BIZONIA

After the complete breakdown of any uniform policy regarding reparations and economic planning by inter-Allied co-operation became apparent, a revised plan for the American and British zones was issued. This plan limited future production in general to the 1936 level. Apart from the increase of the permissible production volume from 67 to 100 per cent of the 1936 level, the plan brought relief primarily by a better co-ordination of the quotas for the various branches of industry. Not all the dismantling which was foreseen in this revised plan has as yet been carried out, and there is much hope in Germany that in view of the latest developments it will not be carried out at all.

The production potential of industry in Bizonia, however, must not be believed really to approach 1936 levels, even if no further reduction should be enforced. Machinery, particularly in consumer goods industries, is highly obsolete. This obsolescence has been accentuated through the dismantling of the most modern enterprises, but is not reflected in the data which are presented with regard to output capacity. Removal of individual machines and plant units in the course of reparations has decreased plant capacity in many instances to a greater extent than would correspond to the production capacity

of these machines and plant units as such. Productive capacity has further decreased because war damages, dismantling, and the cutting up of Germany into various economically separated areas have destroyed the whole structural integration of the various branches of German industry. The weakest link determines the strength of the whole chain. High productive capacity in one branch of industry is an empty proposition and cannot be utilized if the capacities of primary industries and assemblers are smaller than those of the fabricators.

If there were no obstacles to foreign trade, co-ordination within the framework of the German economy proper would not be essential. What would matter then would only be a harmonious structure of the world economy. From this ideal, however, we have receded very far indeed. Consideration of the effects of dismantling and lack of co-ordination within German industry permits an estimate of the productive capacity of industry in Bizonia at not more than 75 to 80 per cent of the 1936 level. Agriculture in that area never increased its output beyond 1936 levels. Therefore the loss of productive capacity through deterioration of soil and plant must be deducted from that level. It has certainly been considerable; quantitative estimates, however, cannot be given.

Without further questioning the reliability of available data, all this adds up to the conclusion that the output facilities of western Germany approach at best three-fourths of the 1936 level. Progressive deterioration results further in a continuous and rapid decline of these facilities. They would permit, however—and this is the decisive point in our analysis—the achievement of an output of three-fourths of the output of 1936 if sufficient mechanical power, raw material, and manpower were available.

### LOW PRODUCTIVITY

The facts which have been described so far give only the first clue to an understanding of the causes of stagnation in the German economy. Actually, the existing size of the national product is at full employment only half of the capacity of the quantitatively reduced and qualitatively deteriorated national plant. Obviously, therefore, the productivity of labor must be very small, and indeed this is so. This shows itself also in those branches of industry which do not encounter any such difficulties as lack of raw materials or mechanical power. In the coal mines of the Ruhr, for instance, the real wages are relatively excellent, and still the daily per capita output of the miners is less than two-thirds of what it was in 1938. In numerous other branches of industry the productivity of labor is even much lower.

Observers who are not very favorably inclined conclude simply that the Germans do not want to work, that they do not exert themselves enough, or at least that they do not work efficiently enough. More thoughtful analysts of the situation in Germany and abroad go one step further, and explain this phenomenon by malnutrition, lack of clothing, and in general by the miserable living conditions which exist. They point out that these conditions make it impossible for the majority of the German people to do any intensive physical or mental work. They add that in many branches of industry raw material as well as mechanical power is not sufficiently available. Finally, they refer to the black and gray markets with their disorganizing effect on economic enterprise and morale.

These simple and apparently so convincing explanations are actually prevalent. They reflect the opinion of the occupation authorities and also of the

majority of the economic policy makers in the German governmental departments. They were the basis and guide for all important economic measures from 1945 until the formulation of the economic plan for 1947-48 in Bizonia. In spite of the prevalence of this opinion in policy-making circles, and in spite of the popular appeal of its apparent simplicity, it represents only a dangerous half-truth. It must be replaced by a correct analysis if insights are to be gained and truly remedial measures are to be devised. This can be done by picturing the situation as it is and as it appears daily and hourly to the impartial observer of economic life in present-day Germany.

### WASTED WORKING STRENGTH

Such an observer will find that the Germans of 1948 do not by any means work any less than in the years before the war or less than people in the other countries of western Europe. Probably they work more and longer. The overwhelming majority of the city population, that is many million people, if they do not want to starve and go completely to the dogs, are simply forced to do extra work which was unnecessary before the war. In dirty, overcrowded, and unlighted trains they travel into the farm areas which surround the cities or even farther into areas which are a hundred miles away in order to get from the farmers some food in exchange for part of their city rations, part of their wages in kind, if they receive such, or simply for other possessions which they still retain. They collect beechnuts from the forests and leftover ears of grain and potatoes on the harvested fields. In their free time or during their vacations they cut peat, collect wood in the forests, cultivate a small vegetable plot, or search for rabbit food. Housewives spend uncounted hours in lines before stores, in lines before distribution of-

fices for ration coupons, and in lines before various other government offices. At home, uncounted hours are used in mending over and over again the last pieces of clothing or in boiling sirup out of sugar beets. Coal is collected or even stolen from the railroad tracks or from the clinker dumps of the gas companies. Self-grown tobacco is cut with razor blades and worked into cigarettes. The wood ration must be cut into firewood.

All these activities, which are by no means exhaustively enumerated here, claim daily extra work of several hours. This extra work must be performed. Exempt are only those who have sufficient remaining possessions to maintain their normal living standard through bartering on a more or less permanent basis, those who fraudulently retain raw material which they are supposed to use for production, those who resort to graft and bribery, those who engage in black market activities on a large scale, and those who receive gifts from relatives in America. Those not so fortunate must do work in addition to the work of their occupation, and that is extra work of ridiculously low productivity.

Even under existing conditions, it would be more sensible to transport the food so collected in half a railroad van to the city than to have it brought there by a full trainload of people at the expense of many times the necessary demand on the railroad and at the expense of several thousand man-hours on the part of the people who get it. It would also be much more sensible for farmers to cultivate with tractors and plows the acreage which is now being planted with potatoes by city people.

From the economic point of view, such extra work is senseless waste. From the point of the view of the individual German, however, it is exceedingly important because it saves him from ultimate misery and frequently

even from death by starvation. For that reason this extra work is also more important to him than the work at his job. Since the Germans must be very much concerned about the preservation of their physical strength, it has become a matter of course for millions to take it as easy as they can in the shops and in the offices in order to preserve their real stamina for the struggle for existence outside of their regular employment. Today a considerable part of the working strength of the German people is drained off in this way from activities in which it could produce valuable and much-needed goods and services. Instead of doing that, it is led into channels in which it is—from an over-all point of view—simply wasted.

A very considerable, if not actually the major, part of the difference between productive capacity and actual output in Germany finds its explanation in this wastage of working strength. Wasted is also the work of the tremendous number of officials engaged in government activities which a planned economy requires. All the efforts which have been made by the government and private entrepreneurs in order to bring about a lengthening of the working day and an increase in intensity of the work performed have proved to be useless. Actually, they have only added to the chaos which reigns in Germany today.

#### PAYMENTS IN KIND

In mining, for instance, and more recently also in numerous other industries, wage payments in kind have been introduced. In this category belongs also a foreign currency bonus which permits free disposal, for import purposes, of 10 per cent of the foreign currency realized from the sale of exported goods. Five per cent of this bonus goes to the entrepreneur and 5 per cent to his employees. The only achievement has been an in-

crease of employees in these industries, with a resulting labor shortage in other industries. The expected improvement in labor productivity has not been realized.

Partial wage payments in kind, furthermore, have increased the turnover in the black market and in barter deals. Actually, they have made worse the situation of the normal consumer who does not have the advantage of such payments in kind for his work, because his rations and allocations have had to be decreased in order to permit these abortive incentive payments. Finally, these payments in kind have completely thrown out of gear all existing differences among wage and salary levels. The miner in the Ruhr district, for example, earns per year a cash income of RM 2,000 net. On the other hand, his payments in kind, which are not taxable, have a black market value of roughly RM 40,000 per year. Thus he has a total net income of RM 42,000 yearly. In Württemberg-Baden in the American zone, a worker in the tobacco industry who now receives 800 cigarettes per month in addition to his money wages makes about RM 20,000 per year. A high government official, however, who does not accept graft and does not receive any cigarettes above his normal tobacco ration, has a net income of from RM 3,000 to RM 6,000. The manual worker who also gets nothing over and beyond his normal tobacco ration receives a yearly net income of between RM 1,500 and RM 3,000. The computation of income in kind at black market prices is perfectly justified, because the normal consumer must also pay black market prices if he wants to get goods of which there is a scarcity.

#### DEMORALIZATION

Under such conditions there can be no thought of an equalization of in-

come among wage and salary earners. As a result of a wage policy which takes cover under the most varied forms of payment in kind, actually a completely new social class structure has arisen. The new proletariat consists of the more or less normal consumers. It comprises members of all former income groups. It is recruited mostly from unorganized groups which are too weak to resist discrimination or from groups which are known not to strike or not to put pressure upon the government.

In the higher income strata are the workers with high payments in kind, the businessmen who commit tax frauds and disregard regulations, numerous farmers, and finally the black and gray marketeers. The income of an individual has hardly anything to do with his actual work performance or capability. It is much more dependent on good luck, accident, and readiness to disregard the law.

It is not surprising that under such conditions morale among employees goes down. That the collapse of the German economy has not yet become even worse is due only to the existence of a still amazingly large number of people who without wavering and under the most difficult conditions perform their work as they did previously. Their number, however, decreases fast. Those who steadfastly give to their jobs what the latter demand either become physically exhausted or finally learn that they also have to make only sparing use of their strength in their occupations.

#### MISDIRECTED EFFORT AND MATERIALS

The difference between the dominant but untenable opinion which looks upon physical exhaustion as the essential reason for the low productivity of labor in western Germany and the opinion presented here which sees the crux of the matter in the misapplication of existing

work effort is perhaps subtle. It is nevertheless of tremendous practical importance. One must realize that if work effort is not lacking but only misdirected, one could redirect it into economically useful channels, replace waste, and correct the distortion of the wage structure. It would thus be possible to improve the economic situation of Germany from within.

Of course, one must ask what use there is in having production facilities which still permit increase of output and redirection of work effort if at the same time mechanical power and transportation facilities remain inadequate. What hope is there when coal, scrap iron, and timber are subjected to compulsory export and at the same time Allied rule makes it impossible to import those raw materials which are really needed by the producers? Actually, the existing imports into Germany bring either goods which just happen to be available abroad or goods which are asked for by the German planning agencies on the basis of highly artificial calculations. If exports and imports are not given free rein, the existing shortages of raw materials and mechanical power present greater obstacles to output improvement than manpower shortage and low labor productivity.

Even in this area, however, the existing scarcities are largely the result of waste. Apparently, there is sufficient raw material available for perfectly useless products which flood the German market. Coal and iron are available for production of ash trays, chandeliers, lamps, and so forth, but not for production of dishpans, pails, cooking utensils, and cutlery. Paper for a flood of useless pamphlets, yes; but for schoolbooks or a new edition of Goethe, no. Ceramics come on the market in unbelievable quantities, but plates and cups are not

produced. In the neighborhood of Cologne farmers have planted whole fields with tulips, but in the city people die of starvation. Leather is particularly scarce, but the skins of cattle which have been slaughtered for the black market rot in the ground in which they have been buried. Wooden boards are so scarce that only one out of three persons who die in Germany is put away in a casket, but valuable woods are being used for fuel. These are only a few illustrations, but they show quite clearly that mechanical power and raw materials are just as wasted as human work effort.

It is not only lack of production as such that explains the scarcity of goods in Germany. Actually, of the little that is produced, a considerable amount is useless stuff which represents wasted raw material that could have been put to use for an increase of essential output. And last but not least, many goods are produced but not sold. In the course of the German flight from money these goods are being hoarded. Where for technical or other reasons hoarding is not feasible, the flight from money takes other forms. The manufacturer produces less in order to preserve his machinery, and the farmer cultivates less intensively in order not to exhaust his soil.

The individual household or the individual enterprise is not responsible for this situation. The household head and the manufacturer act correctly in order to safeguard simple survival. The economic order as such, however, is breaking down.

Why all this wastage in the midst of dire need? Why this complete chaos in production and distribution? What way is there to start the reconstruction process in western Germany and to restore a meaningful, productive, and serviceable economic order?

### FAULTY PRICE STRUCTURE

The most important reason for the existing conditions is the reigning price structure. The prices simply do not make sense. The government-administered prices, practically without exception, are relatively lowest for those goods of which there is the greatest scarcity. The prices of food and rent are still much the same as they were ten or fifteen years ago. However, the less important the goods or services, the higher their prices. The government does not object to extremely high prices for collectors' stamps, flowers, and paintings. Thus the prices do not reflect the scarcity of goods at all, but lead to a direction of productive strength into channels in which, from the point of view of real needs, it is purely wasted. Hence the almost unbelievable number of stamps, art, and antique dealers and toy shops, as well as of their respective productive facilities, which have grown since the war like weeds, as if Germany were a rich country.

The prices do not present any incentive for producers of scarce goods to turn out and to market as much as possible. The farmer has no real motive to cultivate his land intensively and to limit his own consumption in order to market much. The prices do not encourage the construction of housing or much repair work on existing buildings; they do not even incline the landlord to limit his own use of his premises in order to make profits from rent. Wrong prices which do not reflect true scarcity are the first reason for the inadequate utilization of the productive capacity—of the rampant wastage in Germany.

### EVILS OF PLANNED ECONOMY

For the struggle against the consequences of these wrong prices there are

mustered in Germany large numbers of officials and police with the corresponding material equipment for enforcement work. This apparatus is supposed to force the producers to turn out and sell at the regulated prices sufficient quantities of the goods which are scarce or which the officials believe to be scarce. Production and trade are centrally administered. This veritable army of officials is also supposed to force the consumers through rationing to limit the demand for scarce goods and thus not to draw the wrong conclusion from the apparent inexpensiveness of these goods.

Experience shows that success in both directions is poor. Water is not likely to flow uphill. The tolerance of barter transactions and wage payments in kind is silent admission that economic results which stem from unrealistic prices cannot be corrected through governmental orders—and especially not with officials who are largely affected by corruption. The whole experiment has not only distorted the wage and income structure of Germany; it has also resulted in a tremendous amount of waste. Such wastes have to be considered not only the cost of maintaining a whole army of officials, but also the even higher cost which the producer and the consumer have to carry directly as a consequence of economic planning.

The existing rations not only force the consumer to resort to self-help because they are quantitatively insufficient; they also disregard individual needs. What is a nonsmoker supposed to do with cigarettes? What is the miner to do with currants and coffee if he has no potatoes? The schematic treatment of the individual through a centrally administered economy forces him to resort to barter or home production if he wants optimum satisfaction within the limits of possibility. This in turn requires a considerable expendi-

ture of labor and transportation which thus is withdrawn from more economic usage, and causes still another form of waste.

In this German economy with dammed-up inflation, oversupply of money and therefore excessive demands for goods, practically every type of merchandise which reaches the market at all finds its buyer. Entrepreneur and governmental planning agencies need not worry as to whether their actions will lead to optimum satisfaction of needs. Even if they were really concerned with achieving this goal they would not be able to do so, because they do not have any true price index to go by. On the other hand, they do not incur any risks even if they make serious mistakes. True, there are many ordinances, and penalties for their violation. Only one type of punishment does not exist—the financial loss which in a price-guided economy represents the strongest motive for maximum efficiency.

#### A TRUE YARDSTICK NEEDED

Germany lacks also an adequate yardstick for economic calculations. This lack underlies actually all the existing causes of waste. It was not only the war and its aftereffects that caused this chaos of the German economy. Of course they have decreased possible production and have thereby depressed living standards below the prewar level. However, that even the still existing productive potential is not fully utilized can be traced to the fact that we now have in Germany an economy which operates very much with calories, quotas, production goals, and allocations, but is very limited in true economic calculations. As long as this situation exists, substantial progress is impossible and all aid from abroad is, so to speak, put into a leaky barrel from which the

greater part of the content seeps out again without doing much good.

The first and most important requisite for a reconstruction of the German economy is the introduction of a yardstick for economic calculations. This requires the accomplishment of two interrelated tasks: (1) establishment of a yardstick of computation upon which everybody—and that means the occupation authorities too—can rely and which clearly reveals existing scarcities and corresponding economic activities; (2) enactment of measures which force everybody—including the government—to take his clues for action from this yardstick.

At the appearance of this paper the currency and tax reforms for western Germany which have been planned to provide a fulfillment of these two tasks will probably have become reality. At the time of this writing, their details are not known. Responsibility for their success lies with the occupation authorities, because of their power to decide the nature of these reforms. It is certain, however, that they will have little success and that they may even fail, if the emphasis is put on the second task. There are strong tendencies at work to decrease available surplus of purchasing power and to lower taxes in order to give entrepreneurs and employees an incentive to increase their efforts. However, there are also strong tendencies to maintain at the same time essential parts of the system of price regulation and centralized administration of the economy. This would mean a start without a goal, a journey into the unknown. If an important part of the prices remains at a fixed level, the interaction of misorientation of the productive forces, formation of a new surplus of money, appearance of a black market, and the necessity of barter will begin again. One can rest assured that

with the lessons learned in the past, the road to chaos will be traveled much faster for a second time than it was traveled before.

#### REINTEGRATION INTO WORLD ECONOMY

Of course, a functioning price system alone is not enough to lead the German economy back to normal, if the country remains cut off from foreign trade. Germany can live only if it can exchange the products of its industry for the products of the industry of other

countries—if it can import raw materials, semifinished goods, and food on the one hand and can export finished goods on the other. Through free foreign trade such commercial exchange can be restored. The price system of Germany should be brought into coordination with the price system of other countries and a balance should be re-established.

Seen in this way, the economic question of Germany is only a part of the much larger question of the reconstruction of a global economy.

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# Financial Situation and Currency Reform in Germany

By FRANZ BLÜCHER

AT THE time of this writing, exactly fourteen days have passed since the currency reform in Germany became effective. It is not easy, therefore, to say anything about the financial situation of Germany at this moment. The conditions under which the currency reform will have to be carried out cannot be easily grasped by people who live in a country which has retained a firmly established government.

In Germany, reliable data on which a currency reform could be based are not available at the present time. In 1945 a centralized administration ceased to exist. Governmental units which remained in operation were only local in nature, such as townships, incorporated cities, and counties. Only gradually has it become possible to rebuild an administrative integration of these units, and that only up to the layer of government represented by provinces and states. The Bizonal Economic Council which the American and British Governments established in 1946 and the unified economic administration which resulted therefrom represent, however, great advances on the road to administrative recovery. Still the fact remains that basically the two zones, and even to a greater extent the French zone, have stayed administratively separated. Any economic unification between Bizonia and the French zone is still in the future.

Satisfactory statistical data for currency measures are lacking because rather divergent methods have been used in calculating the various items which have to be considered in a composite picture of German finance. Thus the monetary figures on which the currency reform had to be based are not

so reliable as is probably assumed in the United States, where statistics are highly developed and are a valuable tool in all planning. This must be kept in mind if one wants to appreciate the difficulties which the Allied and the German experts had to overcome and if one wants to arrive at a fair evaluation of the currency reform which is now in process.

## CURRENCY REFORM AND DEPENDENT GROUPS

There is something else which also should be kept in mind. Since 1936, and in some cases even before that year, wage and price ceilings have been imposed in Germany. For this reason the prices of essential commodities and wages could not keep step with the progressive loss of purchasing power of the German currency. In consequence, this devaluation was not accompanied by those phenomena of inflation which Germany experienced in the period between 1918 and 1923 and that have occurred in other countries which fell victim to inflation. The current depreciation of all holdings of German currency to—for the time being at least—5 per cent of their nominal value<sup>1</sup> comes therefore as a terrific blow to those who still have such holdings. Until the reform, a few Reichsmarks were enough to pay rent and to purchase absolute necessities. Now that people for the time being have lost 95 per cent, defi-

<sup>1</sup> The currency reform which went into effect on June 20, 1948, provided that for every 100 Reichsmarks the holder was to receive 5 Deutsche marks for free circulation, and 5 Deutsche marks were to be credited to a blocked account. As of October 4, 1948, these blocked accounts were freed. See New York *Times*, Oct. 2, 1948, p. 5.—EDITOR'S NOTE.

nately 90 per cent, and only if the whole currency reform works out extremely well, 80 per cent, of their money, those who are unable to work and have lived on their savings which they held in Reichsmarks are simply exposed to death by starvation. This is being prevented only by the government, which had to assume extremely heavy burdens of providing assistance to the aged, infirm, and disabled at the moment the currency reform became effective.

This is the basic problem which will influence the public finances of Germany for a long time to come. A large part of the governmental expenditures will go into public assistance. Reliable statistics do not exist, but there can be no doubt that we have millions of disabled citizens as the result of two world wars. Considering only the three western zones, we have had to absorb roughly 20 per cent of all those Germans who lived in eastern Germany and in other countries farther east and southeast. We have a tremendous number of unemployables and of dependents of soldiers who died in the war or are missing. All in all, an analysis of the financial situation of Germany must start with the observation that between 25 and 30 per cent of the population in the three western zones need monetary assistance. In naming this percentage it should be pointed out that at best only between one-eighth and one-sixth of the Germans who have come to the western zones from the east are fully able to work—a fact which is not sufficiently known outside of Germany. The men in the age groups of full working capacity are missing.

#### THE GERMAN ATTITUDE

This is the situation which faces those who are responsible for the finances of Germany. However, this is also a situation of which the German people are fully aware, a burden which under great

hardships they are ready to carry, and which, given the right policy on the part of the western powers, can turn the Germans into the most peaceful nation on earth. The costs of war to us have been so great in the past and will put such a burden on us for generations to come that we have learned our lesson.

Viewed only from the financial angle, the situation may easily appear as desperate, particularly if one considers how large a part of the national wealth has been destroyed by bombing. And still none among those who hold positions of responsibility have yielded to despondency. They all realize that the economic policy makers of our country must draw the appropriate conclusions from the facts as they are, and that all of us will have to live very frugally and will have to work very hard indeed. On the other hand, they all believe that—if we do so—it will be possible to save our people from ruin and gradually to bring about order in our finances.

This will require, however, that we distribute fairly on all shoulders the financial losses and the current burdens, which we have to carry as a consequence of the war. It will further require our economic policy realistically to take into account that for decades to come our population will lack its normal share of fully employable people.

#### THE PUBLIC DEBT

The first task, the even distribution of the financial burdens which have resulted from the war, has been attacked by the currency reform. Its purpose is the reconstruction of a healthy currency which can be used for purposes of exchange everywhere in the world. The reform represents, therefore, an attempt to limit as far as possible the public debt. For this reason bank notes in circulation and monetary claims in Ger-

man currency have been reduced by 95 per cent, Federal bonds in the possession of the Reichsbank and other banking institutions have been repudiated, and all other claims against the Reich for the time being have been abolished. For the three western zones as such, reliable figures cannot be presented. For the whole German Reich, however, this reform will probably mean that roughly RM 450,000,000,000 of government debts of the Reich from bonds and other obligations have been wiped out.

To be sure, a new public debt will replace the old one to the extent that will appear permissible through the financing activities of the *Bank deutscher Länder*, of the State Central Banks, and other credit institutions. To compute its actual size is impossible at the present time. Assuming a reduction of all claims in Reichsmarks to 10 per cent of their original nominal value, and considering the fact that our banking institutions hold also assets other than claims against the Reich, there will result a public debt which will amount approximately to the sum of money in circulation, even if strong cash reserves should be created. That will mean that within a few months after this writing the maximum new public debt for the three western zones will be about 15,000,000,000 Deutsche marks. It will be advisable to collect the necessary data and make the required computation as soon as possible.

#### BARTER TRADE AND THE NEW CURRENCY

Let us now turn to the situation in western Germany as it appeared in the first weeks after this radical currency reform. Everybody who has read the current reports on Germany in the press knows that since 1945 the Reichsmark has progressively lost its function as a means of exchange. Its place was taken

by barter transactions; goods were exchanged for goods and not for money. Why this simple process of a primitive economy has been glorified with the term "compensations" is not clear. This trade by barter, of course, has had the strongest possible effect on the morale of the taxpayers and the collection of taxes. Since these transactions were forbidden by law and had to be so forbidden, they were not entered in the books and did not appear for purposes of the sales tax or any other tax. This is the more understandable since the tax rates which were introduced in the spring of 1946 were so high that anybody who made an honest tax return had to dig into his substance in order to pay his taxes.

Also, because of this barter trade we cannot determine the volume of economic transactions in Germany, which would be necessary for accurate economic planning, because in this connection a few per cent more or less are of importance.

Those who did not possess goods which they could exchange for articles they needed tried to secure their necessities by the payment of exorbitant prices in Reichsmarks—assuming, of course, that they had enough Reichsmarks to do so. The cost of a pair of shoes, for instance, was 50 times the price set by the government; a pound of butter in our cities was between 120 and 150 times the corresponding price. Since only a small fraction of the population had enough cash to pay such prices, most people had to starve.

Even the small quantities of goods available to meet the needs of the majority of the people were still further reduced by the fact that producers and tradespeople had to hold back part of their stock if they wanted to continue in operation. It must be understood, however, that it was not undue concern over profits in industry and trade that

started these illegal barter transactions and lowered the morale of the taxpayers. The deterioration of morale got its start from the necessity of paying for repairs, maintenance work, and renovations in kind rather than with money. This necessary malpractice spread later to the most important branches of production of primary goods, such as coal, etc.

These are the conditions against which the currency reform is intended to provide a remedy, and confidence in the new Deutsche mark is considerable. Since the first day on which it was issued, readiness to sell has reappeared in the shops and among the farmers. The prices do not offer a uniform picture as yet. Their relationships to real values of merchandise still show extreme divergencies, because the quantities of goods offered for sale are as yet uneven.

The auxiliary measures which accompanied the currency reform are all intended to make this offer of goods as strong as possible, so that the new currency can really fulfill its function as a means of exchange. Money in circulation is being kept at as low a level as is thought necessary for the preservation of a balance with the potential supply of goods.

#### RESTRICTION OF CREDIT

Since the day on which the currency reform became effective (June 20, 1948), it has been forbidden to give bank credit to business enterprises, in order to force every businessman to sell. The only credit possibility left is to sell against notes of hand, and all rights resulting from such bills are strictly enforced. This presents a great problem in primary industries, in capital goods industries, and in the construction industry.

In these latter industries great credit difficulties have immediately become ap-

parent. In order to counteract these difficulties, promissory notes are permitted to a certain degree. But even this form of financing is limited by an extraordinary high discount rate. For promissory notes this rate is at least 8.5 per cent per annum; for bills of lading, approximately 7.5 per cent. These are discount rates which cannot be earned on the basis of prices set under the old economy. They enforce an extremely careful conduct of business.

At any rate it must be said even at this early stage that credit possibilities are very much—perhaps too much—hemmed in. On the other hand, it must be admitted that two almost incompatible demands of the situation have to be faced: (1) the pressure to bring merchandise out into the open should be very strong; (2) excessive limitation of credit possibilities should be prevented in order to avoid a new flood of unemployment in primary, capital goods, and construction industries. It is the most urgent task of the moment to balance these two requirements and their accompanying dangers very carefully and to find the right middle road.

Returning to a description of what actually is happening at the present time, it must be stated that momentarily, at least, the supply of goods, though uneven in various lines, is generally strong. Confidence in the Deutsche mark has increased accordingly.

The future turn of events will depend on the credit policies pursued. The problems to be handled will remain difficult even after August 8, after which date credit on inventory stock will again become possible. The first measures of credit limitation have been too stringent, and the credit-giving potential of the banks of course depends on the amount of bank deposits. It must be realized in this connection that the currency reform of the Allied military gov-

ernments has left the banks without cash reserves of their own. They amount only to about 5 per cent of the very small deposits which were left after the reform. It is further to be considered that, contrary to former German practice, the banks are now required to keep 10 per cent of the money deposited with them as reserves with the so-called State Central Banks (*Landeszentralbanken*), which correspond roughly to the Federal Reserve Banks in the United States.

It is clearly apparent how little credit the German banks will be able to give. There can be no doubt that the present credit volume is too small even for the reduced size of the German economic activities of today.<sup>2</sup> It will be better, however, to permit it to expand only very cautiously and only apace with the increase in economic activities as such.

#### DANGERS TO THE CURRENCY

The danger here is the same as that observed in other countries; namely, the start of the vicious cycle of unemployment, unemployment compensation, unbalanced budget, excessive increase in taxation, loss of national credit, disruption of the currency. This series of progressive economic disasters shows how vitally necessary it is to direct the German credit policy attentively as well as cautiously. Granted that there has to be a great deal of stringency in order to bring about harmony between existing purchasing power and supply of goods, any exaggeration would start the cataclysmic development just indicated. In other words, financial policy must enable primary industries, capital goods industries, and the construction industry to continue their operations.

Another great danger for the cur-

rency is equally real and must be counteracted. A turn of events similar to the one outlined above could be set in motion by unemployment resulting not from unsatisfied credit demands but from too radical a wiping out of the old money holdings in the first phases of the reform. The real source of danger here is the tremendous number of unemployable and partially handicapped people mentioned earlier. A very considerable number among them have lived on the remainders of their Reichsmark holdings, which now have been for all practical purposes obliterated. There is only one solution to this problem. The necessary increase in public assistance payments must be balanced by drastic reductions of other public expenditures. Public works and government outlay for other types of material equipment are not excessive, however, because of lack of materials as well as of manpower. For this reason, a reduction in public expenditures can be achieved only by a reduction of governmental functions. Government activities which are now being performed must be restricted to those of absolute necessity. A great reform in public administration for purposes of simplification in all lines is imperative, if the currency reform is to succeed.

Finally, the newly created money is threatened by unemployment based on still another source. Many people who are able to work stopped doing so because they thought they were able to live on their Reichsmark holdings or on the proceeds of black market operations. A yet larger number drew pay from employment without really turning out a fair amount of work, because the entangled money situation made normal business calculation impossible and because the excessive taxes robbed employers of any interest in making profits. Every employer felt that in the end every expenditure for overhead was

<sup>2</sup> Financial experts believe that sufficient currency and credit are now obtainable and that credit machinery is adequate. See New York Times, Oct. 2, 1948, p. 5.—EDITOR'S NOTE.

paid not by him but by the tax office. Currency reform, tax reform, and the simple fact that profits will be so small as to make important even the few pennies which will be left over after the payment of taxes—all these will force loafers to ask for work and will force the employers to insist on maximum efficiency on the part of a very restricted personnel. This will be a new source of unemployment which must be prevented by the creation of new job opportunities with maximum productivity.

#### THE QUESTION OF PUBLIC WORKS

There will be a great temptation to resort to public works as a way out. Considering the destruction of public property in Germany and the fact that no replacements in railways, roads, canals, dams, and public buildings have been made over the last ten years, there are plenty of possibilities along such lines. To a great extent such public works would require principally manpower and relatively little raw material. However, they would present such long-term investments that private loans could not be used for their financing even if the necessary credit capacity among private investors did exist, unless they could be secured for repayment periods extending over a number of decades. On the other hand, of course, tax receipts, in spite of the existing very heavy taxation, will not be sufficient to take care of such expenditures. The burden of social security which the government will have to carry and the equalization of the burden of war losses which will be discussed below will make this impossible.

A solution of this problem by any one method alone will not be possible. Public works, particularly the restoration of transportation and communication lines, are urgently needed and must be financed on a long-term basis. It

will be possible also to finance an important part of the necessary clean-up work in the destroyed areas if the equalization of war losses is carried out. Even so, a large part of reconstruction work will have to be financed by government funds. Germany needs, therefore, an unusual amount of truly long-term reconstruction loans. In order to build up a good credit reputation, however, it will have to exercise greatest economy in the public household.

#### MEETING THE SITUATION

It has been mentioned before that in spite of this exceedingly dark picture, the persons in authority are by no means discouraged. However, they will have to meet the situation with understanding, and they need assistance. That they can see the issues in their larger framework and analyze them correctly has been demonstrated by the following two measures passed by the Economic Council in Frankfurt in conjunction with the currency reform legislation: (1) the demobilization of the tremendous amount of government employment which resulted from the central administration of a planned economy, and (2) the tax reform. These measures were unanimously submitted by the Economic Council to the military governments and will result in a revival of the will to work and to save in the German population. It must be admitted, however, that the administrative reform so far is only a fraction of what is needed in this respect.

The real foundations for the permanent improvement of German conditions will have to be laid within the next six months. Two tremendous decisions have to be made: (1) whether the reduction of all Reichsmark claims to 10 per cent should be changed to 20 per cent so that the creditors would retain 20 per cent of their original claims,

and (2) how to redistribute the burden of the losses which resulted from the war.

### THE CONVERSION QUOTA

The first question is not only one of monetary character. An answer to it is not necessary only for future financial and economic planning; it is important also from the point of view of foreign policy. Finally, it is closely related to the problem of the equalization of war losses.

Little need be said regarding its monetary importance, because obviously a doubling of the conversion quota of 10 per cent to one of 20 per cent would mean a 100 per cent increase of the currency volume. If the extraordinary reduction which has just been carried out was correct, such a course of action would of course require certain limitations. At the danger of being repetitious it must be said again that it is hardly indicated at the moment to mention figures. If the rough estimates which have set the volume of circulating money in the three western zones at RM 150,000,000,000 are correct, then the present volume of new currency cannot amount to more than 9,000,000,000 or 9,500,000,000 Deutsche marks.

This is certainly a maximum figure, because probably considerable parts of the claims which have been reported to the authorities for conversion will not be recognized as admissible bases of the conversion quota computation. In the general turmoil of the immediate postwar period, and due to the deterioration of taxpayer morale which resulted from excessive taxation, funds and claims have been accumulated which were not included in income tax returns and which will now lead to legal difficulties for their owners. There is further the probability that large sums

of Reichsmark holdings will simply not be brought to the notice of the authorities because the owners will want to avoid such consequences. It can be assumed for these reasons that the new money volume mentioned above is certainly a maximum figure.

Certainly an amount of between 9,000,000,000 and 9,500,000,000 Deutsche marks is exceedingly small, even in relation to the very much reduced volume of German production. To double this amount would of course increase the credit business of the banks and would remove some of the reasons for concern over possible unemployment; however, it would achieve this only if the release of deposits were made dependent on the same conditions which existed before the increase. This means that precautionary measures would have to be used in order to assure that every amount withdrawn from the bank would be devoted to production and not to consumption. But this in turn would mean in practice that the individual owners of bank deposits, and particularly the holders of small savings deposits and other nonbusiness deposits, would have to be permitted to make disposition regarding the second 10 per cent only in cases of emergency. The yearly withdrawal quotas for such purposes would have to be numerically fixed, for instance, at one-tenth of the total conversion quota. Finally, the conversion quotas seen as a whole would have to be used exclusively for the financing of essential tasks.

It can be imagined, for instance, that the use of the whole conversion quotas should be limited to expenditures for repair and construction of dwelling units. It seems superfluous to say much about the social significance of housing needs in our destroyed country. Over and beyond the latter, however, the economic advantages of such a use limita-

tion would lie in the fact that the construction industry pays good wages, that it needs few imported raw materials, and that credit used for construction is turned into true capital. The gradual accumulation of savings later on would permit the conversion of such housing credits into mortgages.

#### PREFERENTIAL TREATMENT DESIRABLE

The suggestions made in this article are strictly personal ideas of the author and do not represent any official government opinion. This must be particularly stated here. On the other hand, it must be admitted that the author has a special purpose in mind in this presentation. It is probably known outside of Germany that the group of German experts who assisted in the planning of the currency reform—and among them this writer—have pleaded for a preferential treatment of small savings in the currency reform. They did so for reasons of social welfare as well as for economic reasons.

In the course of the preceding discussion of the tax reform, the writer mentioned the incentive to save which would result from a tax decrease. Saving was mentioned also on occasion of the discussion of the formation of new mortgage capital. The belief among the people in the soundness of saving therefore is essential for a recovery of the German economy. This belief has received a great shock through the fact that the owners of small savings were not sufficiently considered in the first steps of the currency reform. Everybody received a claim to full conversion of RM 60 into 60 Deutsche marks. This per capita quota of fully converted money is, however, deducted from the sum total of the general conversion quota. If a man has a wife and two children, he received 240 Deutsche marks for RM 240; but under the cur-

rent regulation he must have had more than RM 2,400 in order to retain anything in excess of this full conversion quota. The majority of the Germans, however, had savings considerably smaller than that. Thus the full conversion quota did not appear as any particular boon. That was why the German experts tried so hard to have this full conversion quota excluded from the computation of the general conversion quota.

What matters now is to alleviate the shock which the belief in the soundness of saving has received. It is necessary, further, to restore the belief in the effectiveness of providing financial security for one's old age to those who save in the form of small insurance policies. This writer therefore is of the opinion that it would be better not to give the second 10 per cent of the general conversion quota indiscriminately to every owner of monetary claims, but in a graduated form according to the total amount of property owned and by giving the amounts thus gained to the owners of small savings and small insurance claims. These amounts, however, would have to be earmarked and frozen for considerable periods of time to be used for preliminary financing of essential investments, such as building construction.

It would be tempting to expand the discussion of this topic over many pages, but unfortunately this is not possible because of space limitations. At any rate, one thing is certain: the belief in the soundness of saving and in social justice would be greatly strengthened if such measures were taken. Of course, this would require on the part of the military government a readiness to interpret liberally the currency reform legislation. In the opinion of this writer, financial dangers would not exist if reasonable precautions were



taken in the release of the conversion quotas.

#### EQUALIZATION OF WAR LOSSES

Pursuance of this thought necessarily leads to the problem of equalization of war losses among the population. It is perhaps known outside of Germany that the German experts were against a reduction of German Reichsmark claims which would have left the creditors more than 20 per cent. One of the main reasons for this was that the many people who have claims for indemnification against the government might have received the impression that the equalization of war losses would permit granting them a higher percentage of their claims also. The same argument is valid in turn for the claims discussed above. Every claim in Reichsmarks must be brought into harmony with the limitations which will result from the equalization of war losses.

One point which has been mentioned before must be stressed again because of its importance for the economically weak. Germany does not stand at the end of an inflationary period. Anybody who had only a little money actually had been able to purchase a number of goods and services, the prices of which had been held to prewar levels. It would be misleading to assume that for a man with little means RM 1,000 were not more than are now 100 Deutsche marks. Since this is not so, the owners of small savings are harder hit by the currency reform than people of large means.

As to the so-called equalization of war losses, the basic philosophy is simple. It was sheer accident whether a person lost his possessions in air raids or not. To have been spared gives no legal claim to enjoy an advantage. It was simply good luck. He, however,

thing should not be punished on that account. It was not his fault, but undeserved hardship. It is therefore the task of the national community to rectify the unevenness of property holdings and economic disaster which have resulted from the bombing and the expulsions of the Germans from the east. The so-called equalization of war losses is intended to bring this about.

If such a measure were not attempted, a great social revolution would certainly break out; because in the British and American zones alone, one-fourth of the population are German refugees from the east. In addition to these there are millions of air-raid victims to be taken care of. If these people alone were doomed permanently and unjustly to carry the brunt of war damages, internal collapse would be the unavoidable outcome. For this reason the currency reform laws of the military governments provide that within six months the German legislative bodies, i.e., in Bizonia the Economic Council, must enact laws regarding the equalization of war losses.

#### PROPERTY CONFISCATION PLANNED

In the opinion of this writer, this will be the most important and the most far-reaching law which any legislature was ever charged to pass. The texts of the currency reform laws suggest that it is planned to take from the owners of non-monetary possessions a part of their property for purposes of redistribution. Of course it will be impossible to confiscate physically such parts of property in all cases, since the nonmonetary possessions which do not have real estate character will consist largely of business enterprises. Such property will have to be taxed with yearly payments in the form of interest or amor-

On paper this appears to be very simple, but in reality it will be more complicated. According to the ability of the individual taxpayer and property owner, this confiscation will have to be graduated under consideration of social needs. The practical basis for the computation of the confiscatory tax will have to be provided by reports of the owners of such nonmonetary possessions on their property and their own war losses, because they too will have suffered sizable losses of a monetary nature due to the currency reform. These reports will have to include all those monetary claims against the Reich which have been wiped out by the currency reform, and furthermore those holdings in Reichsmarks which have been reduced by conversion losses. To the extent that such losses will exceed the confiscatory tax to be levied for equalization purposes, the owners of nonmonetary property will have a claim of their own against the legal successors to the Reich. To the extent to which the sum of such losses does not come up to the tax obligation of the owners, they will have to pay the difference.

The situation is even more complicated than that, because all claims in Reichsmarks, without exception, have been subjected to conversion in the course of the currency reform. This was done against the advice of the German experts. Through this measure, owners of real estate and debtors have made gains resulting from the currency reform, which in turn will have to be taxed for equalization purposes. The work of a very large number of government officials, and, according to the opinion of this writer, also statistical assistance on the part of the United States Military Government, will be required if the necessary computations for every individual case are to be worked out in a short time. In any

case, the goal must be the equal coverage of monetary and nonmonetary possessions. Care must be exercised, however, not to endanger the ability of going enterprises to continue operations. Otherwise the whole effort of currency reform and economic reconstruction would be wasted.

#### CONDITIONS FOR RECOVERY

Personally, the writer of this paper does not believe that this partial property confiscation will yield enough to result in a true equalization of war losses. It will be necessary to limit the tax on enterprises to such a degree that they will be able to continue in business and to increase their profits gradually to such an extent as to permit the equalization of war losses out of normal tax receipts in supplementation of the proceeds of the partial confiscation.

Belief in the justice resulting from such an equalization of burdens, fair treatment of the owners of small savings, re-establishment of the purchasing power of the Deutsche mark—all these taken together can revive the German economy to such a degree that it will be able to yield a sufficiency of current taxes. In order to achieve such a state of affairs, however, three conditions will have to be met:

1. We need raw material for consumer goods so that the German worker will be able to buy something for his pay even when the present German stocks have been exhausted.

2. We need an opportunity to strengthen our exports to such an extent that we can, reasonably soon, pay for our imports of raw materials for consumer goods.

3. We need a reduction of the costs of occupation, which in the three western zones consumes at least one-third of all German tax income.

In preparing this article the writer is conscious of the fact that were it not for the world-wide incentive created by the Marshall plan, the reconstruction of German finances could not have been undertaken.

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# The State of German Agriculture

By CONSTANTIN VON DIETZE

GERMAN agricultural production reached its height during the last fiscal year before the Second World War—July 1, 1938 to June 30, 1939. Propaganda of that time attributed this to the effect of National Socialist agrarian policies, and even made some headway by this claim outside of Germany. But when we note that German agricultural production increased 16 per cent from 1924–25 to 1928–29; 9 per cent during the depression years 1928–29 to 1933–34; and only 8 per cent from 1933–34 to 1938–39 when the Nazi *Reichsnährstand*<sup>1</sup> was in action, we cannot help wondering if production would not have increased still more with different agrarian policies.

## NAZI AGRARIAN POLICY

The National Socialist policy was not designed solely to improve the condition of agriculture existing from 1929 to 1932, during depression and inflation, which was very unfavorable despite radical measures to control prices; it was designed rather to reach a fundamental and permanent goal—to remove agriculture from the “free market” and “separate it from the capitalistic system.” It aimed to establish *unchangeable* fixed prices. The *Reichsnährstand* act prohibited farmers from mortgaging or selling their land, and destroyed the autonomy of the farm family in the matter of inheritance.

These changes in inheritance and land laws were contrary to all tradi-

<sup>1</sup> Compulsory cartel of all producers and processors of foodstuffs, regimenting output and distribution of agricultural products. Definition given in Heinz Paechter, *Nazi-Deutsch: A Glossary of Contemporary German Usage*, New York: Frederick Ungar, 1944.

tion and were not acceptable to most of the people concerned. The price policy was not entirely popular, either, because from the very first it interfered considerably with agricultural management. The relief in the price situation after 1933, when deflation was replaced by inflationary measures, was strengthened by the fixing of some prices and was regarded as beneficial. But as industrialization became accelerated, market regulations were aimed at making the farmer deliver prescribed quantities of produce at fixed prices which were lower than the prices that could be secured through, illegal sales. Farmers indeed trusted the *Reichsnährstand* to safeguard them against a recurrence of the heavy financial losses and dangers which they had suffered prior to 1933; but this feeling of security was coupled with a deepening irritation at the increasingly more noticeable loss of independence.

Nevertheless, agricultural production increased under the Nazi measures until 1939, although, as we have seen, at a slower rate.

During the war years the volume of production was not fully maintained, but the decline was not considerable until 1944, despite the shortages in feed, artificial fertilizer, fuel, farm machinery, and other necessities. It cannot be denied that the Nazi wartime policy on foodstuffs, which stemmed from the marketing regulation of the *Reichsnährstand*, was, on the whole, successful, even considering the fact that it made its task easier by forcibly requisitioning agricultural products from occupied countries.

Thus, at the end of the war German agricultural productivity was somewhat

lessened, especially through lowered productivity of the soil because of lack of fertilizer and cultivation, and through a heavy reduction in the stock of pigs; but the damages were not so heavy that it could not be hoped to overcome them in a few years.

#### IN THE RUSSIAN ZONE

In eastern Germany, military action in the first months of 1945 no doubt inflicted heavy losses on the stock of cattle and caused other serious damage. From the country east of the Oder-Neisse we hear that vast stretches are lying completely fallow and doomed to turn into steppes because the population has left or been expelled. But we have no reliable statistical data. We are insufficiently informed even about the agricultural situation in the Russian occupation zone.

There is no doubt that agriculture in the regions east of the Elbe-Mulde, overrun by the Russian Army until the end of hostilities, has suffered considerably more than the parts of the states of Saxony and Thuringia, which were not occupied by the Russians until July 1945, which states for centuries represented the best in German agriculture. Throughout the Russian zone, the "land reform" that was suddenly and radically carried through in September 1945 has changed importantly not only the distribution of property but also the conditions of production. In the summer of 1945 about 33 per cent of the agricultural land in this zone belonged to estates having more than a hundred hectares,<sup>2</sup> and formerly very well technically equipped and organized. In 1946 only 5 per cent of the land was in operating units of more than a hundred hectares, and these were government operated as experimental and model farms. Thus, more than 25 per

cent of the total farmlands were arbitrarily distributed in small units to new operators, who in many cases had neither the necessary farm equipment nor adequate knowledge. There is no doubt that this procedure has reduced production considerably, but due to the lack of trustworthy statistics, it is impossible to give exact figures.

In addition, this "land reform" is characterized by a general uncertainty concerning the law. Not only were lands and chattels expropriated without indemnifying the former proprietors, but all other possessions were taken from them also without any legal justification and they were deported... Many of them, among whom were proved adversaries of the Nazi regime, were even arrested and imprisoned.

As can be readily understood, the feeling spread quickly among the smaller farmers that this denial of legal protection would not be confined to the large landowners, but would extend to themselves as well. Thus the production of the farmers in the Soviet zone has been increased by the fear of reprisals. But all those strong motives are lacking which impel a farmer who feels secure in the possession of his legal rights to take care of his farm and to improve it for the benefit of his family and his descendants.

In addition, in 1947 an unusual drought struck agricultural production in the Soviet zone. In many cases the required deliveries could not be made from the crops, and to avoid very heavy punishment, the farmers availed themselves of the alternative of delivering cattle. It is therefore not surprising if, according to some news reports, there has been a further great decrease in the stock of cattle of Saxony and Thuringia which had already been drained to fill gaps in Mecklenburg-Pomerania and Brandenburg. We have no exact information as to the total amount of this

<sup>2</sup> A hectare (abbreviation ha.) is equivalent to roughly 2½ acres; exactly 2.471 acres.

decline, and since we have learned it in confidence it would be irresponsible to indicate the source, as we would expose our authority to unforeseeable dangers.

It seems that food shortages in the Soviet zone are greater on the whole in the country than in the cities. This was true in Russia during the collectivization in 1930-32; because of ruthless requisitioning of agricultural products, millions of people starved to death in the villages but not in the cities.

#### LAWS AND PRODUCTION IN WESTERN GERMANY

In western Germany no such radical changes, affecting production and the traditional system of agrarian property, have taken place as in the area of Russian domination. Laws on land reform (enacted in some states in 1946 but not yet put into effect) give evidence of an effort to meet the requirements of a government based on law. In any case, they concern only relatively small areas in western Germany, because in most of the states, enterprises with more than a hundred hectares occupy less than 5 per cent of the arable lands; even in the region of their greatest number, in Lower Saxony and Schleswig-Holstein, they occupy little more than 10 per cent. Nevertheless, the political pressures which produced land reform laws posthaste have had a certain effect on the feeling of legal security, and efforts have been turned away from the more important and promising agrarian measures, such as the working out of just principles governing the use of agricultural lands for social distribution which is unavoidable in view of the millions of exiled and bombed-out persons.

Instead of increasing again, production in western Germany has decreased still more since the war. The decrease which had begun toward the end of the war was greatly accelerated in 1945 by

the disorganization of all communications and the deterioration of the food situation. Since then there has been no recovery. The continuous lack of fertilizers and other necessary equipment has made it impossible to increase the harvests. Requisitions by the authorities and feed shortages have further reduced the cattle stock. On the basis of bookkeeping records and statements by our best agricultural experts we can state that agricultural production in western Germany was 30 per cent lower in 1946-47 than in 1938-39. We find increased production of vegetables, but this is of little avail in view of the sharp reduction in pig stock and the low level of grain crops.

#### IMPOSSIBLE REGULATIONS

There is no doubt that the farmers of western Germany have not delivered all of their product through the legally prescribed channels in recent years. If they had done so, a large proportion of the German population would literally have starved to death, and the agricultural enterprises could not have acquired the most urgently needed means of production. We do not know how much of the production was given to friends and relatives out of kindness, how much was bartered for fertilizer, fuel, nails, or shoes, or how much was sold on the black market for Reichsmark and at what prices. Contracts made according to legal prices present a very unfavorable picture; but they do not tell us much, because the losses shown may have been canceled by the illegal sale of a few tons of grain or potatoes or a few pounds of butter.

It would not be right to accuse all German farmers of disobedience or lawlessness because they have not fully discharged the requisitions imposed on them by law or by the authorities. There are certainly some, perhaps even many, farmers who have broken the

law for filthy lucre and have sought to take personal advantage of the sad food situation. That may be true also of some large landowners, although as a rule it is much more difficult for them to choose illegal ways and escape punishment too. But such behavior, though blameworthy, is not what is important. As a matter of fact, the laws and regulations that could not possibly be obeyed meant the continuation of an even harsher food control than during the war; but under still more difficult conditions, full compliance with them would have left the farmer and his family, their relatives and friends, in need and would have made it impossible to operate the farms, because without the illegal barter of foodstuffs the absolutely necessary means of production could not be obtained.

The pending currency reform coupled with larger imports of foodstuffs will probably soon put an end to the present situation. It is to be devoutly hoped that the repeal of the farm inheritance law, announced by the Control Council at the beginning of 1947, will be quickly followed by the removal of other essential features of National Socialist agrarian policies. Especially, instead of the separation "of agriculture from the capitalistic system," which was the aim of the market regulations of the *Reichsnährstand*, German agriculture should be reinstated in a well-regulated market economy. In order to picture the situation in which western German agriculture will enter this process which is so significant, often painful no doubt, yet necessary for future prosperity, we cannot utilize recorded receipts and expenditures of money during the last few years. We must take the quantities of agricultural products which probably will be sold in the years to come, and the quantities of means of production to be bought at prices which in former times we considered as relatively nor-

mal. The years 1934-36 offer the best basis for that, and then we would forecast, let us say for the years 1948 to 1950, the figures shown in Table 1.

#### THE FARMER'S PREDICAMENT

At the low level of production which may be expected for 1948-50, it is probable that the excess of income over operating expense will not even be sufficient to pay taxes and interest at the rates prevailing in 1934-36. Consequently, the independent farmers and their families will not have a penny in cash left for their living.

That is an unbearable condition. In an impoverished country it is not possible to meet the situation by raising the prices of agricultural products. Besides, radical price policies would shut out the German economy from a highly desirable participation in the international division of labor. Only an increase of production and, incidentally, of marketable products to at least the prewar level provides the way out. In our calculations we have therefore allowed for the modest increase of 12 per cent in operating expenses; the prewar production levels can be reached only by increased expenditures, especially since we have to make up for lost efforts and expenses. Until such a level can be reached, German agriculture—like the entire German economy—cannot manage without large-scale capital aid.

This situation is widely known throughout the world, and therefore we need not fear that our statement will be considered inappropriate. In a very gratifying way, financial help has already been granted. The question arises, therefore, how it shall be used for the greatest benefit to German agriculture.

We have not forgotten the fatal consequences of the sudden indebtedness assumed at too high rates of interest,

TABLE 1—OUTPUT OF WEST GERMAN AGRICULTURE  
1934-36 COMPARED WITH ESTIMATES FOR 1948-50

	Value of Sales in Million Marks		Percentage Changes (Estimated)
	1934-36	1948-50 (estimated)	
Rye	140		
Wheat	280		
Oats	40		
Barley	120		
Total grain	580	405	-30
Potatoes	150	210	+40
Sugar beets	100	100	0
Vegetables	110	165	+50
Fruit	380	380	0
Grapes	160	160	0
Total root crops, etc.	900	1,015	
Total crops (except legumes and oleaginous fruits)	1,480	1,420	
Pigs	570	340	-40
Beet cattle	390	290	-25
Calves	90	70	-20
Sheep	10	9	-10
Slaughter animals	1,060	709	
Milk	960	770	-20
Animals and animal products (except poultry, eggs, and wool)	2,020	1,479	
Total value of products	3,500	2,900	
Operating expenditures (excluding wages of operators and members of their families)	2,200	2,500	+12
Gross profit	1,300	400	
Taxes	215		
Interest	250	465	
Net profit	835		

which in 1924-28 drained from German agriculture almost the entire fruits of its very noteworthy increase in production. This sudden increase of indebtedness by an amount equal to that which it had taken many decades prior to 1914 to reach, was caused very

largely by taxes nearly four times as high as in 1913.

#### A SUGGESTED PROGRAM

This will teach us how to avoid a repetition of disastrous error. Until German agricultural production has



reached its prewar levels, relief should be given by avoiding the imposition of taxes as far as possible, and perhaps even by relinquishing interest charges. Ministers of finance, in agreement with this plan, should receive funds direct from the amounts furnished from abroad. This should enable them to manage without the usual tax receipts from agriculture, and also should enable them to aid in the improvement of agriculture, for instance by expediting the reallocation of farmlands,<sup>3</sup> by improving agricultural schools, by es-

tablishing experimental and model farms, and by furthering farmers' associations and improved methods of marketing.

The central government should, however, refrain from telling the farmers in detail what they should produce and how they should use the means at their disposal. If the operators are allowed to make these decisions for themselves, merely aided by expert advice, the best results will most likely be obtained in the long run, and in addition the German farmers will learn to think and act independently after the years of authoritarian regimentation. This will be the best way to avoid the danger that these farmers will ever again be used as submissive tools of a doleful regime.

By such a program the German farmers and their representatives can be prevented from seeking a solution of their problem through measures resulting in increased prices. We want to see the re-entry of a strengthened German agriculture in a world market economy which will enable all participating economies to recover as quickly as possible from the war damage and make even the path for peaceful politics, as this will avert the rise of autarky which might serve in preparing for new wars.

<sup>3</sup> *Flurbereinigung*: Literally, "cleaning of the agricultural land." Here it refers to an effort through new allotment to unite small parcels of land to form larger units. This reform, regulated by various laws and ordinances, has been going on in Germany for more than a hundred years, without being completed. Most of the laws require that a majority of the community must agree before such a measure can be introduced. The division into many small parcels of land, often very small ones, has many disadvantages. One farmer may cultivate widely separated lots, and he spends much time in going from one to another; much ground is lost through the many boundary lines, and quarrels and lawsuits concerning the boundaries are numerous. Cf. K. Wittich, "Zusammenlegung der Grundstücke," in *Handwörterbuch der Staatswissenschaften* (Jena: Gustav Fischer, 1901), 2nd ed., Vol. 7, pp. 1033 ff.—TRANSLATOR'S NOTE.

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# Transportation in Postwar Germany

By FRITZ BUSCH

GERMANY'S transportation system has to a great extent been destroyed by the war. Although its capacity has thus been considerably reduced, the task of transporting passengers is considerably bigger than it was in, let us say, 1936. There are a variety of reasons for this change: more people are living in a smaller area, millions of them have no fixed residence, other millions live far from their jobs, and a large percentage of the inhabitants travel in an endless search for food. On the other hand, the amount of freight to be transported is considerably smaller, proportionate to the slump in industry, and estimated at hardly 50 per cent of that of the prewar period. But the facilities are not sufficient to transport even this amount. There is an enormous gap, therefore, between the job to be done and the capacity of the transportation system. The latter has to be used, therefore, in the most economical way, and the present capacity raised by all means available.

The partition of Germany into four zones was a terrible blow to communications. Instead of a single economic and transportation area, it set up four separate regions each governed by its own legislation. At the beginning, in particular, the movement of passengers and freight from one zone to another was possible only under the greatest difficulty. There was an almost complete absence of any unified direction in transportation matters. The original intention of the victorious powers to organize transportation as a unit was not realized, for political reasons. Only the merger of the British and American zones unified transportation, at least in this area. The collaboration with the

French zone also progresses noticeably from day to day. But connections with the Russian zone are as difficult as ever.

## ORGANIZATION OF TRANSPORTATION

The organization of the transportation system in the four different zones took different roads. In the American zone and later in the British zone the tendency prevailed to weld the different carriers of traffic into a unit. The same tendency is shown in the Russian zone, only more marked. As early as June 1945, the Soviet Military Administration ordered the establishment of a central administration for the Government Railway (*Reichsbahn*) in the Russian zone. One month later the setting up of a central administration for all transportation facilities was ordered, and three subordinate divisions created, for railroad, waterway, and highway transportation.

In the winter of 1946 the most essential functions, such as the organizational, personnel, and financial functions, were removed from the individual carriers and joined with the corresponding departments of the central administration. The increased unification which resulted was secured at the expense of the different carriers, to which only the actual management remained.

Meanwhile the former central administration for transportation has been merged, under the title of the General Transportation Administration, with the German Economic Commission of the Russian occupation zone. In the relationship between the general management of the railroads and the General Transportation Administration, a retrogression has again manifested itself in a

tendency to strengthen the position of the railroad management.

Transportation in the American zone was very early concentrated under a General Director, under whom the Government Railway assumed a relatively independent position. In the British zone a central head was lacking at first. There were four general offices for the four different types of carriers.

Following the economic union of the two zones an organizational merger of the transportation administrations took place at the end of 1946. As a result of a provisional agreement on the creation of a German transportation administration, an Executive Council for transportation was created with its seat in Bielefeld, while separate offices were set up for the administration of the different branches of traffic.

When the Economic Council and the Executive Committee in Frankfurt were created in the fall of 1947, the reorganization of the whole economic administration in the Combined Economic Area brought about a further change in the organization of the transportation administration and the railroads. By a new law the Transportation Administration in Offenbach was created, besides other economic administrations. In the interest of unified planning and direction, a bill now under discussion would merge the former separate main transportation offices for railroad, highway, inland waterway, and ocean transportation with the Transportation Administration, but in such a way that railway and highway transportation management would remain independent and unchanged in organization. The Government Railway would thus retain its character of an independent enterprise. Supervision and management are separated in such a manner that the Director of Transportation, besides duties of representation, is given supervision over, and a general power to give directions

to, the Government Railway, while the General Director of the latter manages it and supervises the railroads not owned by the government. A new management organ, an executive committee, is introduced into the organization of the Government Railway. The functions of this committee will be fixed by a new railway act.

In the French zone the lines of the Government Railway were transferred to the states, but organized as a single company, the shares of which are owned by the three states. The company is directed by an executive committee consisting of delegates from the states. The actual management is in the hands of a general administration. The merger of the waterway and highway systems into unified administrative agencies is still in the beginning stage.

By and large, the organization of transportation in Germany still offers a very variegated picture.

#### PLANNING

While in normal times the choice of means of transportation was regulated by the quality of the facilities and the cost, which brought about a very healthy balance among the carriers, today a central co-ordination of traffic becomes more and more necessary. This takes a broad view of the traffic requirements and distributes it among the different carriers and over different seasons. Today such planning determines the sequence in which goods will be transported, which goods have priority, and which must be deferred. For this purpose a special priority list has been drawn up in all zones during the last year. This list determines in what sequence transport facilities for certain goods have to be provided. At the top of the list are: Class I, military and occupation traffic; Class II, foodstuffs and fertilizers; Class III, coal and necessities for the operation of the mines;

Class IV, import, export, and transit goods.

The passenger service is also subject to certain restrictions. The lack of locomotives and coal prevents the operation of as many passenger trains as would be necessary to meet the travel needs, which at times are very heavy. In order to make essential professional and business travel certain, admission tickets for certain express trains are issued to certain groups.

### RAILROADS

#### *War damages and reconstruction*

In 1920 the railroads then belonging to the individual German states were united in a single system. That was the foundation of the German Government Railway, which, with nearly 700,000 employees (as of 1939), was one of the biggest transportation systems of the world until the end of the last war. Today in the Combined Economic Area there are about 500,000 persons active in the service of the Government Railway, in the Soviet zone 240,000, and in the French zone 60,000. The tracks in use in the Combined Economic Area have a total length of about 25,000 kilometers; in the Russian zone about 13,000 km.; and in the French zone about 5,000 km. In addition there are some private railroads and local narrow-gauge railroads; in the western zones they number about 150, with tracks of a total length of about 5,000 km.

When the German collapse occurred in the spring of 1945, the network of the Government Railway, which had formerly been so efficient, had been destroyed to a large extent. The destruction of numerous bridges, especially the big constructions spanning the channels and the large Rhine, Main, Weser, and Danube rivers, had caused the former effective and continuous network to disintegrate into a multitude of sections

which even lacked telephone connections with one another. The rolling stock was dispersed all over Europe by the end of the war. Even now a considerable portion of the freight cars of the German Government Railway are abroad, while about 30 per cent of the cars in Germany are foreign. Much of this stock was taken out of Germany after the end of the war and is still abroad.

The war destruction was particularly heavy and lasting in the bizonal area of western Germany. More than 2,300 bridges were destroyed besides 3,000 km. of tracks, 12,800 switches, 1,600 signal booths, and nearly 5,000 main signals. The cars that were left in Germany were greatly damaged, too. There were hardly any freight cars with whole roofs, and no passenger cars with window panes or upholstery.

After the numerous sections had been reconnected, gradually and with the assistance of the occupation authorities, and after the different offices of the Government Railway had started to function again, a relatively quick recovery occurred until the fall of 1946. The following winter, which was exceptionally severe with Siberian temperatures, set the service back again. But since July 1947 the reconstruction is progressing satisfactorily.

The great shortage of building materials of any kind and the scarcity of labor have considerably handicapped the rebuilding of the railroad properties. Seventy per cent of the damages to the roadbed have been removed; 90 per cent of the destroyed bridges have been rebuilt (a third of them permanently); 90 per cent of the destroyed or damaged signal booths have been repaired (about half of them permanently). The same holds true for telephone cables and wires, damages to which have been repaired up to 85 per cent, or a total of 270,000 km. A great part of the round-

houses and repair shops of the Government Railway are in workable order.

But much remains to be done. Besides the removal of the remaining damages, there is still the replacement of makeshifts by permanent constructions, especially bridges, which still must be crossed at low speeds. They are great obstacles to traffic, as are the single-track bridges. Not only the round-houses but all the other shop buildings must be put in order. In the maintenance shops of the Government Railway 60 per cent of the damage to turntables, stalls, and repair shops still has to be removed. Among the traffic buildings a large number of station houses and a considerable number of warehouses and loading platforms must be rebuilt.

#### *Passenger traffic in west Germany*

Since the Government Railway received priority over other industries, the traffic conditions in western Germany have been improving slowly but steadily. The passenger cars are no longer in as good a condition as before. The damages caused them by the war can be removed only gradually, and most of the modern four-axle cars for express trains are used in the occupation traffic. Anyway, all passenger cars in operation in western Germany now have window panes—a noteworthy progress in comparison with the immediate postwar period, when the window openings could be closed only with a makeshift cover or cardboard.

Besides the slow locals, we find in western Germany, even for civilian passengers, a great number of express trains on all the important stretches from Hamburg to the Ruhr, to Frankfurt, or to Munich, and from the Ruhr to Hanover, South Germany, and so forth. Some of these trains again have sleepers and diners for official or business travelers.

One can no longer speak of passenger traffic between Bizonia and the Russian occupation zone. The only connection between Bizonia and Berlin is maintained by a pair of express trains, which run by way of Brunswick-Magdeburg. They take three times as long as before, namely nine hours, for a trip from Hanover to Berlin. Carrying some 1,200 passengers, they are hopelessly overcrowded, because the traffic between west and east Germany is much too heavy to be taken care of by one train in each direction daily. This PD-train 111/112 often stands for hours at the border, until the tired passengers, who simply want to travel from one part of Germany to another, are herded through the passport control.

Today there are no passenger trains from Hamburg to Berlin, where formerly the so-called Flying Hamburger ran, a speed car with a speed of 160 km. per hour. From Berlin to southern and southwestern Germany, by way of Halle and Leipzig, where until the end of the war a great number of express trains ran, there is no passenger traffic across the zone boundaries.

#### *Speed of passenger trains*

The speed of the trains in western Germany does not equal that of former days. An express train from Hanover to Cologne, which used to take five hours, now takes about seven. The slower speed is due to the fact that many makeshift bridges make a slowing down necessary. The inadequate maintenance of the tracks and the cars and the often very poor quality of the coal for the locomotives also tend to add to the time required.

In these passenger trains the German people crowd together in a way absolutely unknown before. Day after day an enormous number of persons travel by rail from one part of Germany to another despite the double price of the

fare, hoping to find an advantageous opportunity to buy or barter something. That is the only way to explain why in western Germany twice as many passengers are transported monthly, in half as many trains, compared with 1936. (In January 1948 there were 131 million passengers carried.)

In other zones of Germany travel conditions are generally still worse. There are few express trains in the Soviet zone for general traffic. A D-train between Halle and Berlin used to take about two hours for this distance of 160 km.; today an express train takes nearly five hours, while an ordinary local takes even six to seven hours. The specially long times in the Soviet zone are a consequence of the single-track traffic, as on nearly all the main lines the second track has been removed and taken away as reparations.

A lowering of the speed and the simultaneous reduction of the number of cars have become necessary because the locomotives in the eastern zone have to burn lignite coal found there. The soft coal of Upper Silesia is not available any more for Germany, and the coal mined in the Ruhr district is used in the west German area alone. A considerable number of usable locomotives have been sent to eastern or southeastern Europe. Furthermore, the poor maintenance of the passenger cars in the Russian zone is striking; three years after the end of the war, most of them do not yet have complete sets of window panes.

In the French zone the situation is similar to that in Bizonia. There is still a passport control at the boundary, but passenger traffic is found on all lines between the bizonal area and the French zone and is little hampered by the control measures.

#### *Freight cars and traffic*

The freight traffic performance depends, above all, on the number of

usable cars. Of the more than 700,000 freight cars at the start of the war, only about 450,000 are left within the four zones. The share of western Germany is about 320,000, of which only about 235,000 are usable. These cars are very much run down. The average number of cars damaged daily is extremely high, and they cannot be made usable again without the greatest effort, on account of the present great shortage of spare parts and materials. With a weekly repair quota of 35,000 to 40,000 freight cars, each car has to go to the shops every five or six weeks. The poor condition of the freight cars shows, too, in the frequent hotboxes that hamper operations.

Of the 235,000 usable freight cars in western Germany, 70,000 are so-called G-cars, i.e. box cars with a carrying capacity of 15 tons; 90,000 are O-cars (gondolas) with carrying capacities of 15, 20, and 26.5 tons; there are 15,000 flat cars of different kinds, 25,000 tank cars, and 2,000 refrigerator cars. The rest are special cars of the types that the Government Railway always carried, from heavy freight cars with carrying capacities up to 160 tons and eighteen axles to cars for bulky freight such as coal and grain, dump cars, etc.

If one takes into consideration that with a stock of 90,000 open cars 10,000 of them have to be ready daily for the shipment of coal in the Ruhr district and in the lignite region of Cologne, it becomes evident that since a car requires about 6.5 days for a trip going and coming, other freight cannot count much on the use of O-cars. Altogether in western Germany about 36,000 freight cars are ready for loading daily. The demand for cars, which is of course higher than the actual need, now amounts to 50,000 to 60,000 cars daily. Freight trains with weights up to 1,000 tons transported 133 million tons in 1947 and covered a distance of 82 million km., a distance only a third shorter

than that covered in the same area in 1936. In comparison, the traffic accomplishments in the Russian occupation zone are considerably lower.

### *Locomotives*

In Germany both freight and passenger trains are generally pulled by steam engines. Only in Bavaria are large sections of the main lines operated electrically. Electric trains were formerly found also on some lines in central Germany. But after the war all the railroad electric plants, poles, and overhead conduits were dismantled and the electrical engines were taken away.

There are in Germany still about 25,000 locomotives. Of these, 15,000 are in Bizonia, only 7,000 being usable. That is a number which, although it has been slowly increasing in the past year, is hardly sufficient for moving the trains required to meet the traffic demands today. The conditions in the Soviet occupation zone are still worse; in July 1947 only 2,500 steam locomotives were usable out of more than 7,000. In the French zone about 750 out of 1,750 are in use.

### *Repairs and new construction*

Since an increase of rolling stock through new freight car construction is possible only to a limited degree and over a long period on account of the shortage of raw materials, and since the building of locomotives is prohibited by the occupying powers, any quick increase of the stock is possible only through repairs of freight cars and locomotives which have been discarded on account of damages. A number of such repair programs with strictly defined goals were drawn up and successfully executed, although this meant overcoming considerable difficulties. Any great expansion of the repair job, a prerequisite for an increase of usable ve-

hicles, by our own efforts is impossible today unless a number of essential conditions are changed.

The Government Railway has a personnel very eager to work, which is now working forty-eight hours a week and more, whenever possible. The machine shops of the railway and those of industry have the necessary capacity to master an enlarged repair program. What has hampered repairs up to now is lack of fuel, materials, and spare parts. There is a lack also of protective clothing and work shoes, to enable the workers in the shops to do their job. And, finally, we lack a productive labor force to be able to increase repairs. The still desperate food situation causes continuous unrest among the workers, minor strikes, and soldiering on the job. Only if all these difficulties are removed can a drastic increase in the efficiency of the railroads in moving passengers and freight be reached by means of an expansion of the repairs of vehicles which exist but are useless for the time being.

In the long run, new construction of freight cars is necessary to ease the tense freight car situation and to lighten the burden of the repair shops. Just recently the first installment of an order for the construction of 3,000 spacious open freight cars with a carrying capacity of 26.5 tons went to five different plants.

We would be greatly relieved, even though far from adequately, if the 30,000 freight cars provided for in the Marshall plan could be imported this year.

## INLAND SHIPPING

### *Damage and reconstruction*

Inland shipping furnishes the most important means of mass transportation in western Germany next to the railroads. Last year it carried about one-eighth, or about 16 million tons, of

the amount of goods shipped by the Government Railway.

About 4,500 km. of the about 7,700 km. of navigable waters of Germany (in the boundaries of 1937) are in the western zones. By the end of the war practically none was navigable for distances of any length. Navigation was hampered by the high number of wrecks and especially by the ruins of many blasted bridges. In the Rhine area alone, 194 out of 197 bridges were destroyed. The destruction in the west German canals was also important; 355 of their 395 bridges were destroyed by bombs or by blasting. However, most of the complicated operational machinery of the waterways, such as locks, spillways, and pump and hydraulic stations, remained undamaged.

By the end of 1947, 320 of the 900 destroyed bridges had been completely or temporarily repaired and 2,400 of the 3,000 sunk vessels had been salvaged. The removal of obstacles from the navigation channels, such as wrecks and remnants of bridges, has increased still further the efficiency of the shipping capacity of waterways. We may count on the fact that this year the remaining one-way stretches will again carry a double line of traffic.

#### *Traffic and water level*

Climatic conditions have been most disadvantageous since the collapse. The unusual floods in February 1947 increased the already existing damages. The unusual ice condition from December 1946 to the end of March 1947 paralyzed shipping on nearly all the waterways. The drought of the following summer caused considerable losses too on account of the low water level.

Compared with the figures for 1937, the water traffic of today is relatively small. The freight traffic in the most important ports of the British zone dur-

ing the best months (July and August 1947) reached only about 40 per cent of earlier turnover. Figured for the whole year and for the bizonal area, this means only 25–30 per cent of the 1937 traffic. But in comparison with 1946 a considerable improvement has taken place. The average time for a round trip of the inland vessels in 1946 was more than twice that of the pre-war period, but it has improved considerably as a consequence of the cleaning-up work, and today lags only a little over a third behind normal.

#### *Capacity of fleet*

The following figures show the comparative status of shipping on the Rhine, the west German canals, and the Weser: Barge tonnage, prewar 3.6 million tons; 1947, 1.65 million tons. Tugs, prewar 310,000 hp.; 1947, 155,000 hp. Freighters (self-propelling), prewar 300,000 hp.; 1947, 200,000 hp.

The loss is therefore very great. It is of still greater importance that, on the average, 10–15 per cent of the barges and 25–30 per cent of the tugs and freighters are out of commission for necessary repairs. Besides, there are on all the waterways of the bizonal area nearly 700 vessels that have been idle since the war but which could be repaired; they have a total capacity of 580,000 tons and 40,000 horsepower.

The capacity of the active fleet amounts for 1948 to 16.5 million tons under normal water conditions. The traffic demands should be put at 24 million tons. On the Rhine are shipped mostly coal, ores, and iron products, but also grain, salt, pit props, and so forth. About half the total tonnage is needed for coal shipments. We find a similar situation with respect to the west German canals, which primarily carry coal and ores, but also grain,



crated goods, sugar, alkali, phosphorus, gravel, and sand.

The fleet would have to be increased by 35 per cent in order to meet the expected transportation needs of the economy this year. This desirable goal cannot be reached, however, for this year the shipyards in the Rhine and canal area and on the Weser can repair and outfit only 180,000 tons of barge tonnage and 10,000 hp. of towing. This indispensable work is very much hampered by the general scarcity of materials. Because of the lack of raw materials and spare parts, the repairs are often of such stopgap or makeshift character that they must constantly be done over or added to.

#### HIGHWAY TRANSPORTATION <sup>1</sup>

##### *Damages and reconstruction*

The highway network likewise showed considerable destruction by the end of the war. By the end of 1947 repairs were still necessary to about a fourth of the highways. By that date only 423 of 1,775 destroyed highway bridges of over 10 meters length were completely repaired, and about 1,000 temporarily. More than 300 bridges are still in ruins. Since during last year only 200 bridges could be fully repaired, the repair of bridges alone will require seven more years unless a basic improvement in the construction field takes place.

Road building furnishes a similar picture. The reconstruction of about 2,000 km. in Bizonia in 1947 amounts to about one-eighth of the roads destroyed by the war. Here too a long time will be needed to bring the highways back to normal conditions. The exceedingly severe winter of 1947 caused additional damages to the highways through frost heaves. To remove these it was necessary to divert a big part of the building

materials and labor originally planned for maintenance and renovation. The bottlenecks in this connection are, in particular, insufficient production in the quarries, lack of tar, and lack of timber and iron for the bridges. Here as elsewhere in Germany, an important deficiency is the poor work performance due to the bad food situation and insufficient clothing.

##### *Motor vehicles*

In common with other carriers, the motor vehicles in western Germany are overage. For instance, over 90 per cent of the passenger cars are more than ten years old, and so are 70 per cent of the trucks, 75 per cent of the motor-buses, and 90 per cent of all motorcycles. The number of automobiles now in use in Germany is also much too small. While the European average at the beginning of 1947 was twelve passenger cars per 1000 inhabitants, there were only seven in the American occupation zone and three in the British zone.

The production of automobiles has been limited by the occupation powers in accord with Industrial Plan No. 2, as follows:

	Production permitted according to Industrial Plan No. 2	1936 Production (normal year of peace)
Passenger cars	160,000	245,000
Trucks and buses	60,000	73,000
Tractors	19,500	12,000

How far Germany still is from the production permitted by the second Industrial Plan may be seen from the relatively high production figures for February 1947. In that month 1,100 passenger cars, 700 buses and trucks, and 225 tractors were produced, or hardly 10 per cent of the production permitted by the Industrial Plan mentioned.

Motor traffic is hampered in Germany not only by the lack of cars but also by the lack of spare parts and especially

<sup>1</sup> See also Dr. G. Schulz-Wittuhn, "Der Verkehr in der Krise."

tires and an adequate fuel ration. A great percentage of the automobiles operated today in Germany have been changed to generator operation because of lack of gasoline and Diesel oil. Therefore many vehicles, even passenger cars, are running on wood gas and anthracite or lignite coal gas.

#### STREETCARS

The cheapest and most economical means of transportation in city traffic is the streetcar. It serves above all for the transportation of workers, in the west German industrial region chiefly for the miners. The number of streetcar passengers was especially high in the postwar years. The average length of car trips has increased too, since so many sections in the big German cities have been destroyed by bombing. Finally, insufficient food, the shortage of consumers' goods of all kinds, and the monetary situation contribute to making the streetcars and buses the cheapest means of mass transportation, more popular than before.

While the streetcars in the last year of peace transported about 1.84 billion persons in 14,800 vehicles, they transported during the last year about 3.7 billions in half the number of cars. These figures give an idea of the dangerous overcrowding of urban transportation. Especially during the rush hour, people, trying to get home, hang like grapes on couplings and bumpers, in spite of police regulations, because there is no space inside the cars, or squat on the steps to save themselves a long walk or a long wait.

#### OCEAN SHIPPING

At the start of the war the German merchant marine had, besides the fishing fleet, a tonnage of 4 million tons. Of this there remained at the capitula-

tion about 1.4 million tons. According to the decisions of the Control Council, Germany lost its whole ocean fleet and was left only 200,000 tons of carrying capacity in coastal traffic. It was also prohibited from building ocean-going vessels.

At the present time, only 165,000 of these 200,000 tons are available for coastwise traffic. These ships have been picked by chance from a list of ships still left at the end of the war. They have one thing in common: they are all very old, being on the average over thirty years of age. Therefore, their need for repairs is exceedingly high. On January 1, 1948 nearly 60 per cent of all remaining ships were badly in need of repairs. At least one-fourth of these ships should be retired on account of age and replaced by new ones. Since that is not possible, every effort is made to make the vessels seaworthy again, because otherwise it would be impossible to reach the goal planned for ocean transportation.

The great repair needs also throw light on the situation of the German shipyards, whose present capacity has not yet been ascertained.

#### *North Sea ports*

The most important ports on Germany's North Sea shore are Hamburg, the Bremen ports on the Weser (Bremerhaven, Nordenham, Brake, and Farge), and Emden at the mouth of the Ems River. In the last year turnover in these ports, which are still partly heavily damaged, was 12 million tons of imports and 5.6 million tons of exports. This was an increase of about 50 per cent in imports over the preceding year, and of approximately 20 per cent in exports.

If we compare this with the last year of peace, 1938, we find that the present imports handled were only 36 per cent, and the exports only 28 per cent, of the

1938 figures. The shares of the different ports in these percentages vary greatly. While Hamburg could reach only a little more than a fourth of its imports of 1938, the incoming freight in Bremen, port of entry for the American zone, surpasses its peacetime figure by more than 10 per cent. Nordenham also has surpassed its quota by nearly 20 per cent, while Emden, on the contrary, has not even reached one-fourth of its 1938 import figure. In exports, last year Hamburg reached only 30 per cent, and Bremen not even 16 per cent, of pre-war quotas.

#### AIR TRAFFIC

Just as the Potsdam decision did not allow Germany to have a merchant marine of her own, the possession and construction of commercial planes were prohibited by the occupation powers. The airlines now touching Germany are operated by foreign, mostly American, companies. The German people are still hoping that they will again be granted the right to operate both air and water traffic in a not too distant future, so

that they may fulfill their duties in the peaceful reconstruction of Europe.

#### TRANSPORTATION PROSPECTS

All carriers in Germany have this in common, that they all have obsolete and old-fashioned equipment and lack materials, spare parts, and efficient labor for necessary repair and reconstruction work.

They also have this in common, that they are all working towards increasing their efficiency, and did so successfully during the past year. A further increase in their accomplishments is certain this year.

Nevertheless it will take a long time before all transportation needs can be satisfied. Germany's transportation system is hopeful that foreign countries will help it to expand. This can be done by making raw materials or finished vehicles available, by doing repairs needing large amounts of raw material, or by granting credits. An efficient transportation system is now the most important prerequisite for the recovery of Germany's economy.

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# Labor and Trade Unionism in Germany

By **Fritz Tarnow**

**T**HE characteristics of a nation, as well as those of a social class, are historically determined. The socio-economic organization of Germany grew out of feudalism and serfdom, and the social implications of that system remained effective long after its economic aspects had disappeared. The middle-class revolutions of the first half of the nineteenth century did not break the power positions of the feudal nobility in Germany. It was considered satisfactory that the new exponents of industry and finance were admitted to the narrow circle of the social elite which surrounded the Crown.

Until the First World War Germany had a definitely authoritarian government. A regime which had not developed any further from full absolutism than to half absolutism held sway over a people of "subjects" rather than of citizens. Although parliamentary democracy had gained some ground, it had no decisive influence on the formation of governmental policy, and even less on public administration. Civil service, education, the Army, and other public institutions which have an important influence on the education of a people were until 1918 largely organized to keep the population in submission. At the same time, industrial development in Germany made greater strides than in any other European country, and soon surpassed England, where it had started much earlier.

The incongruity between progress in technology and economic development on the one hand and a reactionary governmental setup on the other necessarily resulted in greater social tensions than existed in countries in which political and economic development advanced

side by side. Industrialization in Germany brought in its wake an extensive organization of labor, but the groups in power considered the simple fact of such organization a threat to the social order. The old "Junkers" and the new "Barons of Industry" united with the governmental authorities in the formation of an upper-class regime which tried its utmost to maintain the old patriarchal system in social as well as political respects. In the economic sphere, however, the old limitations were abolished and a free interplay of forces established which created new social conflicts and with them the need for a new social order.

## MARXIAN IDEOLOGY

These were the conditions under which the German labor unions came into being in the 1860's, when the legal prohibitions of collective bargaining had to be finally abolished. In most countries in which unionism developed, the daily struggle for the betterment of working conditions led in the course of time also to the development of certain social theories and political ideologies which aimed at a basic change in the economic and social structure. In Germany the trend was reversed. At a time when organized labor had not yet come into existence, as a matter of fact, exactly one hundred years ago, Karl Marx and Friedrich Engels formulated in their famous Communist Manifesto the theoretical and ideological program of such a labor movement. From this spiritual foundation and deeply rooted in it, the political and trade union organization of labor in Germany developed later.

Thus the German labor unions were from the start Marxian in the sense that they believed in economic determination of the development of the social order. They considered it historically predetermined that the capitalistic system was to be only a temporary phase of social development, that it was bound to break down at a certain stage of this development, and similarly that it was bound to be replaced by a socialist order of society. For the powerless class of wage earners who felt themselves exploited, suppressed, and generally treated as the outcasts of their society, the certainty of this hope for the future meant a fascinating expectation of deliverance. There was a difference, however, between the beliefs of the political workers movement and those of the labor unions. According to the former, socialism was expected to come about by a "social revolution" when the progressive increase of poverty and misery among the workers would have reached its peak. According to the latter, an improvement of working conditions was considered possible within the framework of the capitalistic system, and socialism was to be achieved in a stepwise struggle for social reform.

The close tie-up between the labor unions and the Social Democratic Party led other political parties also to strive for labor support. The great Catholic Center Party fostered the foundation of Christian labor unions, and the Liberal Democrats attached to themselves the so-called Hirsch-Dunckerian unions, which derived their designation from the names of their founders. Each of these three union groups, which fought one another bitterly, had until 1933 a national organization of its own. Of a total membership of seven millions in the last years before 1933, 70 per cent belonged to the Socialist, 23 per cent to the Christian, and 7 per cent to the Hirsch-Dunckerian variety.

#### NAZI TACTICS AND UNDERGROUND PLANS

After having come into power, the National Socialists did not dissolve the labor unions, but "took them over." At the same hour on May 2, 1933, all labor union offices were invaded by armed Nazi gangs, the functionaries were ill used and driven out, the leaders were dragged into prison and concentration camps, and the membership was forced under threats to remain in the organizations and to submit to forcibly installed Nazi administrators. With this the spark of trade unionism appeared extinguished. But this was not entirely so. The old functionaries got together in an underground resistance organization and prepared for the hour of liberation.

Wilhelm Leuschner, the recognized representative of the labor unions, was among the members of the attempted Putsch of July 20, 1944. He had been a member of the board of the *Allgemeine Deutsche Gewerkschaftsbund* until May 2, 1933, after which he had been kept a prisoner in concentration camps for more than a year. Upon his release he devoted himself immediately to the underground trade union movement. Having tirelessly endeavored to bring about a merger of the various resistance groups in the civilian population and the Army, he believed he had found fulfillment of his hopes in the "Group of July 20." It is known that this extensively planned revolt failed and that the Nazis took terrible revenge on the conspirators. Leuschner was among those who were executed in a most brutal manner.

Through the trials in the so-called *Volksgericht* it became known to the public that the conspirators had prepared plans for a government in which Wilhelm Leuschner was supposed to become Vice Chancellor. This was due

to the special role which the labor unions had been intended to assume in the strengthening of the new regime. The conspirators realized that it would not be enough for the new regime to be backed up by the Army alone, but that it would have to be founded on a broad basis of popular support and confidence. It would be necessary for the democratic parties to organize themselves anew. Before it would be possible to hold elections, political enlightenment would have to have time to make some progress. It was decided, therefore, that until such time the labor unions were to form the bridge between the government and the people. Their reconstruction would be easier to achieve than that of the political parties. Plans to that effect were prepared in the underground labor movement. There was great eagerness to arrange a "May 2nd in reverse," and to "take over" the German Labor Front just as the Nazis had taken over the labor unions. It was planned to chase out all the National Socialist functionaries and to reinstall the old labor union officials. The gigantic and splendidly equipped administrative machinery of the Labor Front, particularly its press and propaganda service, was intended to be immediately adapted to the requirements of the new era and to be put into service for the democratic enlightenment of Germany.

In the drafting of these great political and especially labor union plans it was of course assumed that the Hitler regime would be overthrown from within. The conspirators were under no illusion with regard to the inevitability of military defeat and a following occupation. What seemed to count only was to use the probably short period between the revolt and the occupation for the creation of a functioning regime and to give democratic forces in Germany a basis for the reorganization

of the social order. For that purpose the quick reorganization of the labor unions and their co-operation with the new regime was certainly the best solution available.

#### OCCUPATION POLICIES

With the collapse of the Putsch of July 20 the last chance for the execution of these plans was lost. The war rolled on to its merciless and bitter end. After the unconditional surrender and the immediate entry of the occupation armies, all power in Germany passed to the military governments. All German influence on reconstruction was for the time being precluded.

With regard to labor, the Allies had reached an agreement that the German Labor Front, together with all other National Socialist organizations, was to be immediately dissolved, that its property and equipment was to be confiscated, and that the formation of democratic labor unions was to be permitted but only on a local basis. To establish contacts beyond the local area was strictly prohibited. The prohibition of any kind of central organization was a measure of military precaution intended to prevent the cropping up of national resistance movements against the Allies. It was also partly determined by the idea that the democratic character of the new labor unions could be safeguarded only if their reconstruction was given a completely new start and a purely local basis.

During the first years of the occupation the military governments in the three western zones adhered to these principles. Afterwards the restrictions were somewhat relaxed and the labor unions were permitted to establish first state organizations and then also zonal organizations. The Russians never adhered to the original directives. From the start, they furthered the erection of

a centralized trade union movement for their zone under the leadership of a central committee which had formed under predominantly Communist control immediately after the entrance of the Russian troops into Berlin. The French occupation authorities have shown greater restraint in the granting of freedom of action to the labor unions than any other of the occupation powers. In their zone the merger of the three district organizations which had come into being there is not yet permitted. The three district organizations in the British zone are by now united in one zonal organization. The three union organizations which are based on the territories of the German states comprising the United States zone have deferred their merger in the expectation of a unification which would cross zonal boundaries.

#### POSTWAR DEVELOPMENT OF UNIONS

The differential policies of the occupation powers has not been without influence on the development of the labor unions. In this respect the western zones lag behind the eastern zone. In the middle of 1948 the total membership of roughly nine millions was distributed among the zones as follows:

Eastern Zone. "Free German Trade Union Organization"	3,800,000
Greater Berlin. "Free German Trade Union Organization"	650,000
British Zone. "German Trade Union Organization"	2,600,000
United States Zone. Three State organizations	1,500,000
French Zone. Three district organizations	400,000

Without any doubt, it is remarkable that it has been possible within only three years, under the most difficult conditions imaginable, amid economic and social chaos and in a smaller Germany, to build up a trade union movement with two million more members than

in 1933. This would have been impossible if the labor union ideal had not survived the Hitler era in many German workers, and if particularly the old labor officials had not remained faithful to the labor union spirit and offered their services immediately at the hour of liberation. In the three western zones the leaders and officers are largely old labor union members. In the eastern zone, under the pressure of the occupation power, the labor unions are dominated by Communists of the former R.G.O.—the previous Communist counter movement against the labor unions—and new personnel without past service in the union movement. Since the end of 1946 the new labor union organizations have established loose contact among themselves through regularly convened interzonal conferences. They all strive for the earliest possible re-establishment of a unified labor union organization on the national level.

#### OBSTACLES TO NATIONAL ORGANIZATION

The necessary conditions for the achievement of this goal do not yet exist, however, either with regard to the attitude of the occupation powers or with regard to the situation in the German trade union movement itself. General Clay has enumerated the following conditions for the approval of a unified organization of the labor unions of all zones: (1) economic unification of Germany as such, (2) establishment of safeguards for democratic liberty in all zones, (3) the right of trade union members everywhere to choose their leadership in free elections, and (4) freedom of travel for labor union leaders in all four zones. At present none of these conditions is met.

Even if the occupation powers should give their approval, however, a merger between the labor unions of the east and

those of the west would be impossible unless a common basis of organization and of principle could first be established. In the eastern zone the development shows a clear tendency toward a governmental trade union which is not an agency of the workers but an agency of public administration. The Russians administer the eastern zone largely for the purpose of enforcing the fulfillment of their reparation claims out of the current production of the zone.

It is in this sense that Order No. 234 of Marshal Sokolovski, which asks for greater efforts from the workers, must be understood. The labor unions have responded to this order by considerable propaganda for compliance. They have also introduced public honors for workers with particularly high output, and have organized special production drives by installing so-called "Activists of Labor" in the factories. They have finally agreed to special work rules which are effective in all factories and contain a whole system of rewards for the industrious and punishments for "loafers."

The eastern influence expresses itself further in the fact that in the Russian zone the central organization has authoritative power over the locals, while in the western zones, in accordance with the principles of democratic countries, the locals have autonomy and determine the personnel and the policies of the central organizations.

The reactions to the Marshall plan have demonstrated how difficult it would be after a merger to maintain a uniform line of trade union policy. On the one hand, the unions in the eastern zone fought the plan most bitterly. The unions in the western zones, on the other hand, have approved of it and are co-operating with the unions of the other participating countries in its execution. As is well known, the World Federation of Trade Unions came very close to a breakup over this

question. This was prevented only by a resolution which reserved the right for the unions of every country to determine their own stand in this matter. It remains to be seen whether this will be sufficiently permanent to prevent a split-up of this organization. At any rate, it is certainly clear that a national union organization in any one country cannot at the same time be for and against the Marshall plan and the economic orientation involved in the latter.

#### . THE SOCIALIST IDEAL PERSISTS

Today, as before 1933, the spiritual foundation of the German trade union movement is determined by the demand for socialism. The socialist ideal, however, and the belief in the realization of a socialistically planned economy, have undergone significant change. The formerly almost religious belief in the fulfillment of the socialist dream through the working of iron laws of economic development has been destroyed by the experience of the recent decades. Today German labor is convinced that socialism must be deliberately planned and can be realized only by an evolutionary process. The ethical demands for social justice, for the abolition of economic exploitation of human beings by human beings, for removal of suppression and class distinction, for democracy also in the economic sphere, have by no means disappeared. Today, however, much more than previously, the foreground is dominated by realistic thinking and practical economic considerations.

In labor union circles the thinking of the day proceeds roughly along the following lines: "In the struggle between capital and labor we have always demanded that the share of labor in the product of labor must increase and that of capital must decrease. In times of prosperity we have also succeeded in



improving the living standard of the working class. By pressure upon the government we have forced it to ameliorate the position of the workers through social insurance, legal protection of labor, regulation of the length of the working day, and a progressive labor law. But however much we may achieve in our struggle for wages or through public social policy, it will never be more than the greatest possible share in the *available* social product. To cut more from a cake than its full size is obviously impossible. Is it not equally important, therefore, or even more important than the question of distribution, to take care that a larger cake be produced?"

#### UTILIZATION OF PRODUCTIVE CAPACITY

The defenders of a free economy contend, of course, that it is just that system that secures the greatest national product. What is it, however, that we are being taught by the statistics of the business cycle? Even during the short periods of maximum prosperity, the existing production potential in countries with advanced industrialization is hardly ever utilized at more than an 80 per cent level. In the long periods of depression, utilization falls below 50 per cent of capacity. German economic statistics have demonstrated for the year 1932 that one-half of all workers were without any employment, that another quarter were only partially employed, and that only 40 per cent of the full production capacity of the country was utilized. In that year the national output declined to one-half of what had been reached four years earlier, although during those four years capacity had permanently increased. The workers have always rightly felt that they were defrauded in the distribution of the product of labor. But have they not been even more cheated by the pre-

vention of prosperity which resulted from the nonutilization of existing resources for production?

The conclusion is obvious: The unions cannot afford to limit their activities to questions of *distribution*. They must extend their fight to the area of *production*. They must fight for an organization of the total economy which permanently utilizes to the full all productive forces and instrumentalities for the goal of maximum production planned according to the urgency of social needs. Experience has shown sufficiently that this cannot be achieved in the capitalistic system of free enterprise. Certainly, the latter system is splendidly successful in the rational organization of the individual enterprise. The old concern to watch out only that every worker did his best in his own place has long been abandoned by modern management. Organization of layout and working conditions are of decisive influence for productivity. Industrial management has become a regular science. A whole army of trained experts are permanently at work to achieve maximum productivity with the available means and resources of the enterprise. Every instance of wasted work effort or material is being traced and remedied, every existing or even potential source of disturbance is being removed, every useless activity is being dropped. One hundred per cent utilization of capacity is not wishful thinking in the individual enterprise, it is within the reach of possibility.

If, in spite of all this, full utilization of capacity is not achieved on a permanent basis, the reason must be sought in external disturbances, in the faulty organization of the national economy. The regulatory function of the so-called law of supply and demand in the free interplay of competitive forces has never been fully effective. Today it is generally recognized that this law is

progressively losing whatever automatic power it has had to keep the productive forces in line and to increase general prosperity apace with technological advance. For this very reason, government in almost all countries has been forced to supplement the incomplete working of the automatic adjustment of economic forces by deliberate planning. Was it not necessary even in the model country of economic freedom, in the United States of America, to resort to New Deal planning when the great economic crisis of the depression threatened social upheaval and revolt? Has not the same country, since its entrance into the Second World War, resorted to even more interference with free economy in order to achieve a higher national output? Are we supposed to consider increase of general prosperity in peacetime less important than war production?

To the German people such ideas seem for two reasons even more convincing than may be the case in other less unfortunate countries. First, the desperate situation during the depression of the early thirties is particularly well remembered here. The large-scale hopelessness of that time created the condition which made it possible for the National Socialists to rise to power and thus to throw the German people into the misery in which they now find themselves. The other reason is furnished by the destruction of the national plant and the great economic burden resulting from the war. These factors make it more important now than ever before for the German people to achieve maximum productivity with the means and human resources at hand. This is the thinking which prevails in German labor circles and which meets with general approval. This is the more remarkable since it holds true also for those who previously belonged to the nonsocialist unions.

#### MEASURES FOR A PLANNED ECONOMY

What measures are being demanded in order to establish a planned economy? There is by no means any desire for bureaucratic government planning of the type which the present emergency, with its excessive scarcity of all vital goods, makes unavoidable.

What is being striven for is the replacement of the present situation by a system of economic self-organization. The over-all supervision of the national economy is to be vested in the government, and legislation with regard to economic policy in parliament. But the administration as such, the execution of the practical measures on the lower level, is to be entrusted to organizations which are composed in a bipartite fashion of equal numbers of representatives of management and union officials. Nobody dreams of total planning in the sense that every individual enterprise would be directly controlled. It is believed that sufficient planning and supervision will be achieved if the well-known key positions in the economic system are so controlled. The demand for nationalization aims only at enterprises which have such key positions.

#### POLITICAL DANGERS FROM A FREE ECONOMY

To be sure, with regard to such enterprises, economic considerations are strengthened by others of a political nature. Private enterprise, particularly in heavy industry and in the form of trusts and cartels, has always played an extremely harmful role in Germany. Its economic power gave it a position of quasi government, and it always ruthlessly abused its position to serve its interests. It has done so with regard to internal policy and social questions as well as in the area of foreign policy, fostering imperialistic aggression. This is the group which is also

to be considered largely responsible for the power which Hitler was permitted to gain.

The political dangers which resulted from this economic power concentration are well known also outside Germany. The occupation authorities have ordered the dissolution of the cartels and the breakup of the trusts for this very reason. This will not be sufficient, however, to prevent these entrepreneurs from regaining decisive power through combination if they are permitted to retain control of industrial key positions in the future.

The reaction to the "Reusch case" furnishes an indication of the degree of apprehension and mistrust with which labor watches this situation. Mr. Reusch, a typical representative of heavy industry, was appointed by the Economic Council as one of the two Germans who should draft a plan for the future iron and steel industry. This selection aroused among the workers and labor union officials such indignation that a strike would doubtless have broken out if the appointment had not been canceled at the very last moment. Actually, this indignation and the pressure which the unions exercised in this matter were not directed against Mr. Reusch as a person. They were directed against the re-establishment of economic power concentration in private hands, a development which was inferred to be intended by the nomination of Reusch.

It is logical that management in general should fight for the reconstruction of a free economy. However, as long as production lags behind the satisfaction of urgent necessities—and this emergency situation will not be overcome in the near future—it will be necessary for social reasons to maintain government planning in economic affairs if an unlimited inflation is to be prevented. A certain number of entre-

preneurs would probably consider economic organization on a level above the individual firms as a lesser evil, but most of them still cherish the hope that after the currency reform, price controls and allocation systems will be abolished and full economic freedom will be re-established.

#### WHAT OF THE FUTURE?

At present the situation in Germany is much too much in flux for any reasonable prediction to be made regarding future developments. The peace treaty is not yet signed; nobody knows as yet the final boundaries of the future Germany. Economic unity has been destroyed through the partitioning of zones of occupation, and there is no way of knowing when and how it will be restored. A statement about the future political structure of Germany cannot be made any more than a statement about its future economic structure.

All signs indicate that if the democratic character of Germany should be stabilized, the labor unions will play an important role—a more important role than they have played in the past. A reorganization of the economy and social conditions is inevitable, and new solutions must be found. Capital which has been accumulated over generations has been dissipated by the war and its aftermath. Manpower is the most valuable resource which the German people still have. The change in the relative weights of capital and labor must find its expression in the social order.

The product of this manpower potential, however, is heavily mortgaged in advance. The reconstruction of the destroyed national plant and arteries of communication, of residential and business structures, the support of the disabled victims of the war, and many other burdens will keep consumption at a low level for a long period of time.

The labor unions will have no easy job at present Germany's strongest hope for to solve these problems, but they are a better and peaceful future.

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# Demographic Changes in Postwar Germany

By HEINZ SAUERMANN

THERE is no greater waste of spiritual, material, and moral substance than war. The longer and the more total a war, the more radically it changes the spiritual, social, and economic structure of a country. The extent of the process of social transformation is perceptible at once\* only in the rarest cases, for both belligerents are, even after cessation of hostilities, still under a psychological compulsion. Since the various strata of the population maintain their social claims even though the social reality has changed, their understanding of the new situation is hampered by sociological and political factors. Only a scientific examination of the new facts can show the changes in the demographic and social structure and can reveal the basic trends of the present situation.

At this time the extent of alteration of the social structure in Germany can only be sketched. We are not yet in possession of statistics enabling us to show exact figures. The result of the census taken in Germany on October 30, 1946 is not available as this article is written.<sup>1</sup> Meanwhile, however, a summary of the changed social structure can be given which, obtained by comparison of the normal developments of prewar years with the estimated war losses, indicates the new situation. Thus preliminary conclusion can be drawn regarding the transformation of

economic, social, and political conditions.

## CHANGES IN TOTAL FIGURES

Considering the absolute numerical changes of the European population, one arrives at the astonishing result that the total number of the German population, contrary to all other European countries, has certainly not decreased since 1938—possibly even increased.

According to the International Committee for the Study of European Questions in London, the total population of Germany grew by 7.5 per cent from 1935 to 1945, while all other European countries show a loss varying between 0.75 per cent (Great Britain) and 13.6 per cent (Poland). It is to be noted that these figures are not based on accurate statistics, either, but on estimates.<sup>2</sup> These estimates are based on the demographic policies of the National Socialist regime: encouragement of early marriage and frequent childbirth by marriage loans and outright grants for each child before the war (thus building up a biological reserve); evacuation of mothers and children and maintaining a high level of general health by keeping up food rations during the war.

The latest figures published show 65,930,327<sup>3</sup> as the total population of present-day Germany with a territory decreased by one-fourth. Prisoners of war and expellees still to be repatriated

<sup>1</sup> Owing to the division of Germany into four zones, not only will the zonal results not be available simultaneously, but also it will be impossible to compare them, since in the American zone the transient population was counted, whereas in the British zone, only the permanently resident population was counted.

<sup>2</sup> Lord Beveridge, "The War Hitler Won—The War of Numbers," *The New York Times Magazine*, Aug. 18, 1946.

<sup>3</sup> *Statistische Praxis*, Monthly Report of the Statistical Central Office, Berlin, Jan. 1947.

have to be added. Thus a total approximating 70 million may be assumed.<sup>4</sup> The census of May 16, 1939 showed a population of 69.3 million for the pre-Anschluss area. Since the population had increased by 11 million compared to that of 1910, optimistic conclusions might be drawn from the absolute increase as to the development up to this time. Since in addition the younger age group showed a slight increase, the conclusion was drawn that "a tendency toward a normal base of the age pyramid was apparent."<sup>5</sup> The census of October 30, 1946, showing a population of 70 million (including prisoners of war and expellees), might lead one to conclude that the population increase had continued in a favorable manner and had not suffered any serious or far-reaching disturbances.

Indeed, this favorable picture of the total population of Germany is not seriously impaired even by a consideration of the war losses. The estimates of Germany's war losses vary greatly because of the total absence of exact figures. If one considers that the German High Command only once published the German losses (in 1940, for the Polish, French, and Norwegian campaigns), and that these figures were hardly given any credence because they were universally regarded as too small, it becomes comprehensible why the International Committee for the Study of European Questions estimates the mili-

tary and civilian losses of Germany at only 3.6 million. This estimate is undoubtedly too low.<sup>6</sup>

#### SOURCE OF INCREASE

A comparison of the figures of 1939 with those of 1946 shows that if the prisoners of war are added, the total population has by no means declined. The comparison with other European countries in absolute figures seems to make probable the claims variously heard that Germany has won the demographic war. I want to emphasize strongly, however, that the increase in the German population is not due to an increase of the birth rate. The estimated number of births for 1943 of 1,182 million<sup>7</sup> was too great by 60,000.<sup>8</sup> In the succeeding years, the decline in births must have been still greater. Nor can the increase in population be found in a strengthening of the lower age groups, because the infant mortality amounted to 7.3 per cent in 1943, and thus considerably exceeded the average of 4 per cent. During the years of the heavy air war, the infant mortality rate must certainly have increased.

Thus the increase in population must be attributed mainly to the migration which has taken place and is still taking place from Poland, Czechoslovakia, Hungary, and Austria into rump Germany. I do not have the exact figures of the expulsion of Germans from these countries up to October 30, 1946, the day of the census. The total number of the returnees is *estimated* to be 6.5 million.<sup>9</sup> This increase of total population must live on an area smaller by one-fourth than prewar Germany. Lord

<sup>4</sup> Estimates on the number of prisoners of war differ widely. German estimates run up to 4 and even 5 million. According to the figures disclosed at the Moscow Conference the number of prisoners of war expected to return will not exceed 2 million. The total number of repatriates-to-be cannot yet be stated exactly. Therefore, the total number of 70 million is too high rather than too low.

<sup>5</sup> "Altersaufbau und Familienstandsgliederung des deutschen Volkes," *Wirtschaft und Statistik*, 20th year, No. 23.

<sup>6</sup> The probable war losses are discussed later in this article.

<sup>7</sup> Estimate by the *Statistische Reichsamt*.

<sup>8</sup> *Wirtschaft und Statistik*, 23d year 1943

<sup>9</sup> Lord Beveridge in *The New York Times Magazine*, Aug 18, 1946.

Beveridge has stressed how the German population even before the war thought it lacked "living space" and therefore felt compelled to wage war. The danger that an even greater population on an even smaller space must continue to be a source of political unrest as long as it has insufficient means of subsistence should, according to Lord Beveridge, not be overlooked.

### THE PROBLEM DEFINED

A comparison of the absolute population figures before and after the war does not by any means exhaust all the problems of structural changes of the population. A thorough examination must lead to the conclusion that the quantitative aspect is by no means more important than the qualitative aspect. Careful study of the population question and its social and economic effects from the times of Thomas Robert Malthus until the present day shows that the population problem has developed into a relative, functional, and social problem.<sup>10</sup>

The relative problem consists of the fact that not the size but the structure of a population must be the main subject of all discussions. The functional problem manifests itself in the interaction of population and economics: size and structure of the population are the basis of the economic structure, which in turn is the foundation of the population's existence and subsistence. The social problem lies in the differentiated and qualitative structure of the population, which materially influences its social organization. An examination of the structure of the population in postwar Germany will show the difficulties

of her situation also from the demographic viewpoint.

With these problems in mind, I began in 1944 to examine the changes in the German population during the war. By way of *kombinierte Fortschreibung*<sup>11</sup> we tried to ascertain how the various age groups had been affected by the war up to May 16, 1943.<sup>12</sup> The results of my study are shown in Table 1.

### DISPROPORTIONATE DEVELOPMENT

These figures show that, not considering war losses, the total population of Germany within the boundaries of January 1, 1938 had grown by 1.6 million. In this increase, however, only the general tendency of superannuation manifests itself: it is limited exclusively to the categories of 40 years of age and over<sup>13</sup> and is caused solely by the prolongation of the average period of life. On the other hand, it had become evident beyond any doubt that the disproportionate development of the various age categories had considerably progressed. Already in 1943 it became evident that the group of employable youth between 14 and 20 had fallen by 1.2 per cent, from 10.4 per cent to 9.2 per cent.<sup>14</sup> The decrease in the group between 25 and 30 is comparatively even larger, the percentage

<sup>11</sup> "Calculate new statistical condition by observing the changes that have taken place since the last census, but without taking a new census." H. T. Price/Zizeck.

<sup>12</sup> Compare H. Moeser's "Produktions- und verbrauchswirtschaftliche Probleme im Altersaufbau des deutschen Volkes und seiner künftigen Entwicklung." This thesis, written under my supervision at the University of Frankfurt, was finished in 1946.

<sup>13</sup> The increase of the groups 20-25 years old is an exception. It is a nonrecurrent feature solely due to the temporarily increased birth rate after World War I.

<sup>14</sup> The proportion of those 14-20 years old in the total group of gainfully occupied was 19.5 per cent in 1910; 14 per cent in 1933; and 13.1 per cent in 1943.

<sup>10</sup> See also my thesis "Thomas Robert Malthus und das Bevölkerungsproblem," *Velhagen und Klasins Monatshefte*, 1944, and "Bevölkerungs- und Berufsstruktur im hessischen Wirtschaftsraum," Frankfurt a. Main, 1943.

TABLE 1—PERMANENT POPULATION OF GERMANY (PRE-ANSCHLUSS TERRITORY),  
BY AGE GROUPS, FOR SELECTED DATES

Age Groups	Dec 1, 1910		May 16, 1939		May 16, 1943	
	Thousands	Per Cent	Thousands	Per Cent	Thousands	Per Cent
Under 6 years	8,400.6	14.4	6,947.6	10.0	7,063.5	10.0
6-14 years	10,236.8	17.5	8,078.5	11.7	8,089.7	11.4
14-16 years	2,370.2	4.1	2,238.7	3.2	2,079.5	2.9
16-18 years	2,295.9	3.9	2,400.0	3.5	2,172.9	3.1
18-20 years	2,187.0	3.7	2,540.3	3.7	2,245.4	3.2
20-25 years	5,022.1	8.6	3,901.2	5.6	5,476.1	7.7
25-30 years	4,585.3	7.9	6,205.4	8.9	4,384.0	6.2
30-40 years	8,204.9	14.0	12,100.6	17.4	12,239.2	17.2
40-45 years	3,318.9	5.7	4,894.1	7.1	5,607.4	7.9
45-50 years	2,833.6	4.9	4,232.1	6.1	4,647.4	6.5
50-60 years	4,459.6	7.6	7,267.2	10.5	7,647.4	10.8
60-65 years	1,654.3	2.8	3,121.1	4.5	3,140.1	4.4
65 years and over	2,881.6	4.9	5,389.7	7.8	6,152.3	8.7
Total	58,450.8	100.0	69,316.5	100.0	70,944.9	100.0

having fallen from 8.9 in 1939 to 6.2 in 1943. The structural transformation within the age categories is seen most clearly, however, in the fact that in spite of an increase of the total population by 1.6 million, the absolute number of people up to 40 capable of earning a living had fallen by 1 million.

The development is of vital importance for the functional population problem. It becomes apparent in the altered ratio of those capable of earning a living to the so-called passive or unproductive part of the population, comprising the categories up to 14 and over 65 years of age. Within a well-proportioned structure such as Germany had in 1910, the passive part constituted 36.8 per cent of the total. In 1939 it had gone down to 29.5 per cent, because of the decrease in numbers of the younger generation.

If this decrease is no longer noticeable after 1939, this does not indicate a reversal of this trend. The relative growth of the active part of the population by no means signifies a return to a well-proportioned structure of the

German population, for it consists exclusively in a considerable increase of the top age categories in the group 14 to 65. At the same time, another sign of disproportionate development becomes evident: decrease of the birth rate. It shows a slight upward tendency from 1934 to 1939, a sharp decline since 1939. What a doubling of the proportion of the old age categories compared with 1910 means is clear: Germany, reduced in size and economically weakened, has to support twice as many old people.

The fundamentals of the structural development, not considering war losses, have thus been outlined. Up to 1943, all age categories under 20 show a retrograde development; those between 20 and 40 have also proportionally declined; while the old age categories have grown, absolutely and relatively. The superannuation of the German population has become menacingly large.

The picture thus given must be supplemented in two ways: by consideration of war losses and by an estimate of future developments.



## WAR LOSSES

For the time being and probably for some time to come, the extent of the war losses can only be *estimated*. The figures of German war losses published so far show extraordinary discrepancies.<sup>15</sup> Based on cautious calculations,

<sup>15</sup> I have to base my estimates on dubious sources. How difficult an estimate of war losses becomes is shown by the figures published so far: The Committee for the Study of European Questions arrives at 3.6 millions *Stars and Stripes* published on August 19, 1945 an estimate of 13 millions. The *Frankfurter Rundschau* of August 4, 1945 disclosed that an official German roll of war losses had been found which contained the war losses until November 30, 1944. According to this list the number of dead was 1,911,300; missing 1,435,853; and prisoners of war 2,782,010. According to the *Frankfurter Rundschau* of November 6, 1945, Prime Minister Attlee in a speech in the House of Commons mentioned an estimate of German war losses amounting to 7,700,000 including the permanently disabled. Information given me by a member of *Sanitätswesen des Heeres* (Army Medical Division which in the German Army included a department of statistics on war losses) fixes the losses of the Army until early February 1945 at approximately 1.7 million dead and 2.5 million missing and prisoners of war. To these figures the losses of the Air Forces and the Navy as well as the losses of the last months of war will have to be added. Since the figure on the missing is certain to contain a number of dead, the best estimate would be the figure of 4 million dead. This estimate can be checked by comparing it with the losses of World War I, which were 1,885,281 dead. Allowing for a war that lasted two years longer, the estimated figure of 4 million would be 30 per cent higher than the figure on the losses of World War I. This percentage seems justified in view of the crueler fighting—especially in the Russian campaign—and the greater destructiveness of the weapons of World War II. The number of wounded of World War I amounted to 4,248,158; the corresponding estimate for World War II is 6 million. The number of the permanently disabled has been placed at 2.5 million by the same source. Concerning the civilian losses I refer to an article published in the Swiss newspaper *St. Galler Tagblatt* quoted in the *Neue Zeitung* of February 4, 1946. In view of the

halfway reliable unofficial information, and especially comparison with the losses of World War I, one arrives at a figure of approximately 4 million dead, 2.7 million permanently disabled and needing medical care for the rest of their lives, and 1 million civilian losses. Thus placing the total of war losses at about 10 per cent of the total population, one will not be far wrong.

The impact of these war losses on the population problem becomes evident only if one realizes that it has to be borne exclusively by the most productive age categories, which were already considerably weakened by the First World War and the following years of economic crisis. The fact that the male population of Germany has been reduced from 34.7 million to about 30.7 million and that this reduction has chiefly hit the middle age categories, thus causing a complete change of structure in favor of the old age categories, constitutes a demographic problem of the first magnitude. The proportion of men capable of earning a living to the unproductive has altered so that it is now 100:75, the average age of the former being considerably higher besides.

The surplus of women must be stressed, too. In 1939 there was a surplus of 1.492 million, which, after deduction of war losses, has increased to 4.345 million—a ratio of approximately 1,000 men to 1,142 women. In several categories the relation is much worse; e.g. in the groups of marriageable age (18 to 40 years) it is 1,000 to 1,262. The secondary effects of the loss of population caused by the recent war can hardly be appraised as yet. It can only be stated generally that marriage and birth rates show a tendency to decline.

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high civilian losses during the closing stages of the war, the estimate of 1 million does not appear too high.

TABLE 2—GERMAN POPULATION, BY AGE GROUPS, AFTER DEDUCTION OF ESTIMATED WAR LOSSES  
(1945)

Age Groups	Total Population		Male Population	
	Thousands	Per Cent	Thousands	Per Cent
Under 6 years	7,063.5	10.0	3,612.1	11.7
6-14 years	8,089.7	11.4	4,128.8	13.4
14-16 years	2,079.5	2.9	1,055.5	3.4
16-18 years	2,054.4	3.1	984.8	3.2
18-20 years	2,096.4	3.2	981.6	3.2
20-25 years	4,740.1	7.7	2,053.2	6.7
25-30 years	3,727.0	6.2	1,574.2	5.1
30-40 years	10,738.2	17.2	4,658.4	15.1
40-45 years	5,093.9	7.9	2,251.5	7.3
45-50 years	4,331.4	6.5	1,762.2	5.7
50-60 years	7,647.4	10.8	3,448.1	11.2
60-65 years	3,140.2	4.4	1,459.8	4.8
65 years and over	6,152.3	8.7	2,829.3	9.2
Total	66,954.0	100.0	30,799.5	100.0

## FUTURE DECLINE

The disproportion in the structure of the German population has thus been deepened and increased. The consequences for the future will therefore be more serious than was formerly expected. Calculations made in 1936, 1938,<sup>16</sup> and 1939 indicated that the total population of Germany would from 1945—or at the latest from 1947—on, decrease steadily to 43 million in the year 2000. The reason for this decline lies in the superannuation of the population, and the decline will be widened and at the same time accelerated by the consequences of the war.

There can be no doubt that the birth rate on which the calculations were based, as well as the death rate, will have to be corrected considerably. As mentioned before, the assumed rate of 1,182 million births for 1943 was ac-

tually smaller by 60,000. Owing to the restricted marriage possibilities today, the decline in the birth rate will be materially greater than could have been expected. The original number of 15 million men between 20 and 45 will in reality come down to only 10 million for 1944-45, not considering the prisoners of war. In addition, infant mortality has increased disproportionately. The originally assumed rate of 4 per cent had already climbed to 7.2 per cent in 1943. During the last years of the war and after the surrender it no doubt mounted heavily, and is estimated at 20 to 40 per cent.<sup>17</sup>

The increase of the average death rate is a natural symptom accompanying the superannuation process. A disproportionate increase has so far been shown in isolated cases of investigation only.<sup>18</sup> However, they support the

<sup>17</sup> Reported by Offices of Public Health in Hesse.

<sup>18</sup> During 1945, the City of Giessen registered 435 births and 1,447 deaths. In the *Landkreis* (district) Giessen, births amounted to 785 and deaths to 1,636 in 1945.

<sup>16</sup> *Statistik des deutschen Reiches*, volume 360, Berlin 1926, "Richtlinien zur Beurteilung des Bevölkerungsproblems für die nächsten 50 Jahre," 1938, Nrs. 23 and 971, 1939, Nrs. 6 and 247.

opinion that in the future a growing death rate among older categories and especially in the cities must be expected. Thus it cannot come as a surprise if in the future the German population will show a decline of hardly imaginable dimensions. The total population of Germany will be reduced to half its present size in fifty years. The disproportionate size of the population capable of earning a living by comparison with the unproductive part will continue during the coming decades. The disproportion will be greater with the male population than with the female. For years to come, the generations of productive age will be considerably undersized. The part of the population over 65, however, will for the time being still show a tendency to increase noticeably.

#### AS AFFECTING THE SOCIAL STRUCTURE

Such a situation must necessarily influence the social and professional structure of the population. The actual process of transformation of the professional and social structure in an industrial society has been examined a long time ago. The main features of the development over a long period have been an increase of earning capacity of women, a remarkable decline of the farming population, a disproportionate extension of the stratum of industrial workers, a relative decline of the self-employed, and, especially during the last decades, a considerable growth of the group of civil servants and employees.

Whether these features will continue cannot be clearly seen at present. However, attention can be drawn at this point to a number of changes to be expected. The most important is the shrinking of earning capacity. Assuming full employment at the rate of 1939, a loss of almost one-fourth of the male earning capacity has to be reckoned

with. Instead of 22 million as in 1939 there will be only 16.7 million male workers. The reduction in the various categories will in some cases be graver still. The number of employed between the ages of 25 and 30 will be reduced by almost 60 per cent. Though a compensation can be arranged by increasing female employment, it must not be overlooked that the average age of the working women is rising also, for almost 60 per cent of all women employed will be over 30 years of age.

The figures available at present allow only a cursory survey of the alteration of the social and professional structure of the population. It is evident, however, that basically the proportional strength of the social groups will be subject to far-reaching changes. In 1939, 12 million male employed, that is 56 per cent, were workmen. Today this group would have fallen to 9.2 million provided the percentage had remained the same. Although an equally large reduction of the other groups is not to be expected, this shows that there is a disproportion between the too small supply of younger and the oversupply of older labor. Thereby the chances of social ascent are lowered and the disproportionate development rather favored than checked.

The disproportionate age structure of the German population is a heavy mortgage on the German people facing the immensely difficult task of rebuilding their economic and social life. How much the economic reconstruction is burdened by the unbalanced structure of the population is shown by the following example. The war caused a loss of capital the extent of which cannot yet be estimated. On account of the unfavorable age structure, the possibilities for the formation of new capital are extraordinarily limited. Since the active part of the population has decreased and the passive or unpro-

ductive part increased, the coefficient of the burden has grown from 1939 to 1945 by almost 20 per cent. The result is a lessening of the capacity to save. It should therefore not be forgotten that the process of transformation of the demographic structure is accompanied by a process of reduction and shift of capital.

#### DENSITY AND DISTRIBUTION

One consequence of the territorial losses in the east amounting to one-fourth of pre-Anschluss Germany and comprising mostly agricultural land will be an extraordinary increase in the density of population. Before the war the density of population was approximately 140 per square kilometer; today it will be at least 200 per square kilometer. Contrary to the tendency in the past, the densely populated industrial districts and cities will not be the area where this congestion of population will take place—at least for the time being. During the war—because of the air raids—the cities were empty. The destruction caused by the war has made impossible the return of the evacuated city population. From 1939 to 1945 the cities of Hesse show a more or less pronounced decrease of population. Frankfurt lost 34.5 per cent of its population, Hanau 50.3 per cent, Kassel 47.9 per cent, and Darmstadt 41.6 per cent.

The reconstruction of the cities—slow though it may be—has brought about a return movement. The almost identical return rates for most cities, however, show that limits are set to this movement. A great number of evacuees will remain in the rural neighborhoods of the cities, partly forced by circumstances to do so, partly because of an adaptation to the rural environment. Many postpone their return to the cities for reasons of better living conditions in the country.

All rural districts show an increase of population. In the districts of Hesse this growth varies between 4.1 per cent (Witzenhausen) and 38.6 per cent (Wolfhagen), the average increase being about 20 per cent. From October 1945 to July 1946 this growth continued. During that period the population of the rural districts again grew by more than 10 per cent. For example, in the case of Witzenhausen this new increase amounted to 14.7 per cent; for Wolfhagen, to 10.2 per cent. The structural changes brought about by this development can be substantiated by some absolute figures. In 1939 the district of Wolfhagen had 27,313 inhabitants, and in July 1946 it had 41,699 inhabitants.

The gain in population by migration to the rural districts is practically entirely due to repatriation from the east. Since the capacity of the rural districts—especially in the west—is relatively limited as far as the opportunities to make a living are concerned, the excessive population cannot be absorbed by the rural economy. Therefore, the separation of residence from place of work will become a more frequent feature than hitherto. In the future, commuting will be of far greater importance than it has been before. However, since no more than 25 to 40 per cent of the capacity of the industrial districts is being exploited, this problem does not yet become fully apparent. Nevertheless, it will become necessary to study the question of how to employ the surplus population of the rural districts. As most of these people are urban in their manners and ways they are looked upon as strangers, and the fact that they have lost their property leads to friction and conflicts with the rural population.

The bearing of the four-zone division on the population problems cannot as yet be ascertained. That it will be in-

fluent is revealed by the fact that according to the first publications on the total population (census of 1946) the proportion of men in the various zones differs. In the British zone it amounts to 45.8 per cent and in the American zone to 45.3 per cent; it is 42.8 per cent in the Soviet zone, and only 40.6 per cent in Berlin. Due to the lack of statistical material, nothing can as yet be said regarding the strength of the age groups in the male population.

#### WOULD EMIGRATION HELP?

Results available so far show that the problem of internal migration will not be concluded by the termination of repatriation from the east. Neither the evacuees of the war nor the expellees from the east have settled down. In view of the size and density of the population, solution of this problem by organized emigration may be considered. Recently France introduced a

plan under which 2 million Germans were to immigrate into France. German voices, too, can be heard which consider emigration a solution to this problem.<sup>19</sup>

However, he who examines the demographic problem in all its aspects must view these plans and propositions skeptically. Those who would emigrate would be the capable and strong elements in the population. Since their proportion is already too small, the demographic problem would not be lessened but aggravated. Moreover, because of superannuation a gradually progressive shrinkage of population will have to be reckoned with in Germany. Therefore such emigration would lead even more quickly to a human vacuum which, in view of the steadily increasing populations of the eastern countries, would upset the European balance of population.

<sup>19</sup> See *The Economist*, April 12, 1947, p. 534.

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# Refugees: Bavaria, 1947\*

By WOLFGANG JANICKE

THE main emphasis in the official work with refugees in Bavaria shifted in 1947 from the task of admitting refugees and deportees to that of assimilating them into the Bavarian community and economy. The legal basis was the Refugee Law of February 19, 1947 and the Regulation issued on July 8 of the same year.

## NUMBER AND CATEGORIES OF NONRESIDENTS

At the end of 1945 when the Office for Refugees began its work, there were 1,900,000 nonresidents in Bavaria; that is, 340,000 evacuated Bavarians, 469,000 evacuated from other states, 361,000 aliens, and 734,000 refugees. During 1946, 764 organized transports averaging 1,200 persons brought a total of 777,130 deportees into Bavaria, while 13,870 were brought in 1947.

The sixteenth census of evacuees, refugees, and foreigners on January 1, 1948 counted more than 2,800,000 nonresidents composed of 328,981 evacuated Bavarians, 292,542 evacuated from other countries and not yet shipped back by permission of the occupation authorities, 357,255 aliens, and 1,823,484 deportees. During the year covered by this report, the number of refugees increased by 127,583 persons, of whom 13,870 arrived in transports and 55,600 as skilled workers, as racially or politically persecuted, or for the purpose of bringing families together. The

rest consisted of released prisoners of war.

The first task of the Refugee Office was to find living quarters for these people. During the two years of its existence, the administration has found individual quarters for 1,100,000 refugees. At the present time 45,580 refugees are living in dormitories; that is, in barracks, schools, hotels, boardinghouses, castles, and so forth, occasionally members of families being separated. In spite of the effort of officials, there are still 18,537 refugees, that is, 1 per cent of the total, living in camps; that is, dance halls, gymnasia, bunkers, and so forth. During 1948 these camps are to be completely eliminated.

The reuniting of families torn asunder by the war or its sequels is especially close to my heart, for humane, moral, and economic reasons. The possibility of such reunion is limited, however, by the scarcity of housing and the food situation. The responsibility for maintaining the elementary living standards of those who already have settled in Bavaria, whether they are old or new citizens, makes it necessary for the moment to limit our efforts to the next of kin (husband, dependent children, and parents). Altogether 55,600 persons had, as next of kin, as skilled workers in industries short of labor power, or as racially or politically persecuted, secured permits of entry into Bavaria.

## ORGANIZATION AND STRUCTURE

On January 10, 1947 the Bavarian Minister-President, Dr. Ehard, announced in the legislature that the government had decided "to establish a separate secretariat for refugee problems." On January 31 the legislature therefore decided, on the basis of Arti-

\* The illness of the author prevented the completion of the article he had promised to write for this volume. The article now being published is limited to Bavarian experience and is, in fact, the second annual report of the author, who is Secretary for Refugee Affairs in the Bavarian Ministry of the Interior. The report in question has not been made public heretofore.—EDITOR'S NOTE.

cles 49 and 50 of the constitution, to create "a separate administrative office for refugee questions within the Ministry of the Interior" and to appoint the former Commissioner as Secretary and Deputy of the Minister in this field of activity.

The Secretary for Refugee Affairs is the official in charge within the meaning of Section 10 of the Refugee Law. According to this law he shall take the necessary measures for the carrying out of his duties and especially to meet emergencies in the lodging, feeding, clothing, and work placement and settlement of the refugees. He has received the co-operation of the pertinent departments.

The constant expansion and increase of the administrative tasks of the Office for Refugees have, in spite of the fact that great economy has been employed, required an increase of personnel. The Office of Secretary for Refugee Affairs in Bavaria includes four sections with seventeen subdivisions and a staff of 140 employees. In accordance with the Refugee Law, the titles of government district and border commissioners were changed to government officers for refugee affairs.

The regular staff of government officers in the five administrative areas numbers 164. The district officers in the 166 urban and rural districts number 3,121, and there are a total of 3,325 persons employed in the refugee administration as a whole. This includes the 264 members of the mobile units ("*Fliegenden Kommissionen*") and 1,136 supervisors, but does not include the staffs of the camps.

In accord with the Refugee Law of February 19, 1947 there have been created an advisory council to the Secretary, advisory councils to the heads of the five administrative areas, advisory committees to the district officers, and refugee spokesmen. In the councils one-

fourth, and in the committees assisting the district officers one-half, of the members are refugees.

In 1946 the American Military Government for Bavaria and the Bavarian Minister-President sponsored the organization of a Refugee Committee composed of refugee representatives from all political parties. It is financed by the state and devotes itself, in close co-operation with the Secretary, to the drafting of legislative bills, administrative regulations, and basic questions. This committee is also concerned with questions of work, settlement, the establishment of industries, and labor questions.

#### THE REFUGEE LAW

By order of the American Military Government, the Law on the Admission and Assimilation of German Refugees (the Refugee Law) was proclaimed on February 19, 1947. According to its Section 17, it took effect on March 1, 1947, when the temporary refugee law of December 14, 1945 expired. The first section defines a refugee and the scope of the Law. Section 2 deals with the assimilation of the refugees. Section 3 introduces the expulsion of refugees, although its provisions had already been in force since April 6, 1946 as a result of an administrative decree. In Section 4, refugees are given the same rights and duties as German citizens. They possess active and passive franchise. Sections 5 to 8 treat of social services, admission, arrangements for support, and the securing of necessary living quarters. Section 9 regulates vocational guidance and the work of the refugees. Sections 10 to 14 establish the organs of the administration of refugee affairs, which with some changes of titles remain the same as before the proclamation of the law. According to Section 15, the state has to bear the costs of executing the law. Section 16

requires all private welfare agencies and all officials to render a wide-reaching assistance and support in carrying out the provisions of the law.

The Refugee Law has unfortunately not met all the desires of the new citizens, but it has created the most important basis for their legal status.

#### REGULATIONS

Bavaria was the first state in the American zone in which the rules for the execution of the Refugee Law took effect. This Regulation was issued on July 8, 1947 and took effect July 14. It had been drafted by the Secretary in co-operation with the Refugee Committee and representatives from all of the departments, and had been submitted to the Council of Ministers-President for its criticism and to the Military Government for its approval.

The fifteen articles of the Regulation corresponding to the text of the law make it possible to apply the law. Additional regulations have in the meanwhile been issued with reference to the advisory committees to the district officers and the election of refugee spokesmen. Other regulations bearing upon the special services referred to in Section 5 of the law are in course of preparation. As for the application of Article 8, on vocational guidance and labor, a further report will be given elsewhere.

According to Section 10 of the Refugee Law, the Secretary shall in conjunction with the pertinent departments try to meet emergencies in connection with the housing, feeding, clothing, work placement, and settlement of the refugees. According to Article 9 of the administrative Regulation, the Refugee Office is an emergency office in the sense of the national effort law (*Reichsleistungsgesetz*), and the Secretary is empowered to take over vacant and not fully occupied buildings, halls, and rooms, as well as machines, tools, and business equipment. On the basis of

these regulations, both living quarters and workshops have been acquired for refugees, and many of them have thus been enabled to create a new existence for themselves.

#### EXPENDITURES

The budget of the refugee administration provided 307,700,000 marks in 1947. Of this amount 17,700,000 was allotted to the administration and 290 millions for care of refugees, including an amount of 130 million marks which had not been spent during the previous year. By the spring of 1947 the following amounts had been expended for special services from these 130 million marks:

To 40,000 refugees in grants of 300 marks each from the CSR' money advanced for deportation grants .....	12,000,000 RM
To one million especially needy refugees including children, lump-sum payments of 50 marks each .....	50,000,000 RM
For the distribution of fuel ..	3,300,000 RM
Total .....	65,300,000 RM

The Refugee Pension Law, which has been in preparation since February 1947 and has been approved by the Office of Military Government (U.S.), has not yet taken effect. At the moment, pensioners are being given advance payments. So far, only civil servants who were already on pensions when they were admitted to Bavaria have received payments, which amount for single persons to not more than 120 RM a month and in the case of married ones to 200 RM. During the year covered by this report, civil servants who have reached the age of 65 or have presented an official medical certificate proving their unfitness for continued service, as well as the dependents of a deceased civil servant, have received similar payments.

The legislature appropriated 12 million marks for those Sudeten German deportees who, on crossing the border,



could not take with them the so-called deportation allowance or who had never received it. This sum was completely expended through various payments of 300 marks to each person, and yet it was found to be inadequate. An additional sum of 60 million marks is therefore being asked for this purpose.

In 1947, 50 million marks were paid out in lump sums of 50 marks each to members of the following refugee groups: persons in dormitories or homes; men and women who were unemployed or unfit for work; and children under 16. The state also expended 3,300,000 marks to provide each family or household one stere of firewood and one-half a stere to individuals. On June 1, 1947 a "Refugee Day" was set aside in all of Bavaria for aid to refugees and deportees, and 7,500,000 marks were collected. Ten per cent of this sum was assigned to the Office for Refugee Affairs to create a refugee foundation, while the balance was locally expended for assistance to especially needy refugees.

#### INSTITUTIONS

Since December 1, 1945, the Refugee Office has created 348 institutions devoted entirely or in part to the care of refugees. Of these institutions, 284 homes are still being used entirely or almost entirely for refugees. In 1947 the American Military Government required that all institutions set up by the Office for Refugee Affairs be transferred to the Welfare Bureau of the Ministry of the Interior and placed under the supervision of the area welfare associations. Of these 284 homes, 198 are for old people, 34 for children, 30 serve as first aid stations and auxiliary hospitals, 14 as homes for invalids, and 8 as recreation homes.

When prisoners of war were released from Russia and France, the Refugee Office faced a new task. The border officials took care of the returning pris-

oners at special entrance stations at Ulm on the Danube for those coming from French prisons and at Hammelburg and Hof for those from the Russian camps. The border officials provided medical examinations, food, and clothing, with the assistance of private welfare organizations.

In numerous cases homeless re-entrants were assigned to rest homes, and for this purpose 4 homes were set up for those coming back from Russia and operated by the administration. The welfare organizations opened 15 additional homes and financially supported them.

A Child Welfare Station was set up in the government camp at Regensburg. Two camps for vagrant youth were organized with the aid of the Refugee Office by the Child Welfare Bureau in Swabia and Upper Franconia. Homeless young persons between 15 and 21 years of age are received to prevent their aimless wanderings.

The character of the refugee camps has greatly changed during the year 1947. Many of the distribution camps have become dormitory camps or more permanent dwelling places for refugees. In these camps 65 kindergartens have been organized and the camp schools increased to 30. In all administrative areas, vacation camps and rest cures have been provided for the children; notably, a large vacation camp for 650 children in Middle Franconia, and rest cures for 2,000 children in the administrative area of Swabia.

#### ASSIMILATION

Since early December 1947 educational grants have been made for poor children. The Welfare Bureau of the Bavarian Ministry of the Interior has set aside three million marks for this purpose. The selection committees each have a representative of the Refugee Office as a member in order to deter-

mine the extent of the need of the refugee youth.

The assimilation of refugees and deportees into the economic life, in accordance with the law and the rules governing its execution, has required the solution of the problems concerning settlement, the organization of refugee industries, business enterprises, trades and work opportunities, professional employment, civil service, and so forth.

On the one hand it was necessary to find vacancies which could be filled by refugee workers, and on the other hand the refugees had to be moved to the already existing or newly created work spots. New industrial enterprises grew out of refugee circles, and co-operatives were expanded. Within the Refugee Office, an administrative subsection was set up for settlement, one for industry, and one for co-operatives.

By the end of December 1947 there were in Bavaria 2,368,421 workers and employees, of whom 529,465, or 22 per cent, were refugees. Among these there were 97,091 refugees who were new to their jobs. Of the 167,729 persons registered as unemployed, 64,047, or 38 per cent, were refugees. A large number of them found no employment because of the housing shortage near their prospective places of work.

#### MACHINERY FOR ASSIMILATION

When preparations for land settlement were turned over to the Bavarian Ministry for Food, Agriculture, and Forest Culture, and the housing question turned over to the Ministry for Labor and Social Welfare, and employment and industrial planning to the Ministry of Economics, a subsection for settlement and economic planning was set up in the Refugee Office for the purpose of assisting the refugees in getting settled. In order to meet the difficulties connected with the securing of

building materials, substitute construction methods were examined and promoted. Good results have already been secured. A permanent representative has been assigned to the State Committee on Settlement and Land Reform; and he, in addition to the Refugee Committee, safeguards the interests of the refugees. On July 18, 1947 the Bavarian legislature decided to create an advisory committee to the government for dealing with settlement plans. This committee is under a chairman, the head of the Refugee Office, is assisted by the Ministries of Economics, Labor, and Finance and by the highest building authorities, and is made up of members of the Refugee Committee and technical experts. From August to December 1947 it visited and reported on thirteen large settlement projects. These proposals were laid before the Bavarian legislature early in 1948 for final decision.

A separate subsection for industry was set up for advice and assistance to refugee industries. This section works closely with the Ministry of Economics. It handles all problems concerning the re-establishment of refugee industries and their placement within the framework of central state planning. So far, 1,600 licenses have been granted to refugee industries and more than 1,000 refugee enterprises have begun their activities in Bavaria.

The creation of starting capital was facilitated by the granting of state credits. For this purpose the Ministry of Finance in 1947 set aside some 25 million marks. The applications for credit are processed by the industrial subsection.

In the subsection for co-operatives the refugees have been given detailed advice with regard to the organization of housing co-operatives. The American Military Government fixed the basic principles, and the details have been worked out by the German authorities.

### ECONOMIC RE-ESTABLISHMENT

The basis for establishing business by refugees and expelled persons is a directive of the Bavarian State Ministry of Economics of April 18, 1947. It was issued in agreement with the Refugee Committee and the Secretary. It assures the proportional consideration of refugees in granting licenses in business and trade. This directive makes it easier for the refugee to prove his aptitude and to show the existence of a local demand and housing for the enterprise. The proposed examination of the applications by the Refugee Committee and its branches will prevent abuse and will assist in the right selection.

Up to October 1, 1947, 5,681 licenses had been granted. The admissions to each branch of trade progress well considering the existing possibilities.

During the period under review, 1947, the assimilation of members of the professions was considerably speeded up through the provisions of the Refugee Law. Out of 1,287 applicants, 660 refugee physicians were enabled to establish their own practice or to find work as physicians for refugees or in the public health service.

The refugee pharmacists are again working in their own profession. Most of them are employed in Bavarian apothecary shops. Some of them have been employed as assistants. Pharmacies are granted but slowly to refugee pharmacists.

The re-employment of veterinarians in their own profession has progressed most rapidly.

The Ministry of Justice has accorded the Sudeten lawyers the same privilege of practicing as enjoyed by the German lawyers of the Reich. Of 216 lawyers from the eastern German area and from the Sudetes, 141 are already admitted to the bar.

Judges, state's attorneys, and court

clerks are also permitted to work in their professions. Most of them coming from the Sudetes are assigned to an in-service training of six months in the district court and the state court. After this training and after passing a supplementary examination, they can count on being reinstated.

Refugee teachers are employed in grade schools and high schools. Grade school teachers especially reached and even exceeded their quota in 1947.

Some of the officials and employees who had worked in public service have been able to find jobs in public administration. In some governmental divisions the number of the refugee officials and employees surpasses by far the quota under the administrative rules in Article VIII, paragraph 1, of the Regulation implementing Section 9 of the Refugee Law. In the Office of Finance in Nuremberg and the State Surveyor's Office, an extremely large number of refugee officials are employed. But the prescribed proportion between the native and the refugee personnel has not yet been reached. This is especially true in the local administrations.

We are seeking, through conferences with the ministries and the State Personnel Office, to secure employment for the refugee public officials and employees who have not yet been placed.

Because of definite procedural rules, the denazification of refugees takes especially long. This is extremely hard on refugees without means, who during the proceedings are prevented from establishing themselves economically. To speed up the proceedings the Secretary issued certificates of urgency in worthy cases, and during the year the granting of these certificates has been entrusted to subordinate authorities.

### SUPPLIES

There are fewer articles of household equipment available to the Secretary,

because the special supplies allotted to him during the preceding year are now included in the general planning. Therefore the three procurement sections of the Refugee Office supplied equipment mostly for camps and homes for refugees and for the daily needs of the refugees. We procured a total of: 181,000 woolen blankets, 49,000 mattresses, 147,000 mattress cases to be filled with straw, 130,000 textiles of various kinds, 36,000 electric light bulbs, 30,000 various electrical appliances, 310,000 kilograms of soap powder and cleansers, 770,000 E soap, 50,000 emergency lamps, 28,000 candles, 93,000 beds, 13,000 tables, 50,000 stools, 6,500 wardrobes, 2,500 chairs, 215,000 pieces of china and household utensils, 1,000 clocks, 144,000 cooking stoves, 335 heating stoves for large rooms, 2,603 ordinary heating stoves, 815 laundry kettles, and 256 fire extinguishers. The 2,603 stoves were only for camps and institutions. The refugees having private living accommodations received their stoves from the Ministry of Economics. For only a short time during 1947 was 70 per cent of the entire stove output available to the Office of the Secretary for immediate distribution among the refugees.

#### COMBINED ADMINISTRATION

While in 1946 the various branches of the refugee administration collaborated only in the Committee for Refu-

gees of the Council of States limited to the United States zone, in 1947 this co-operation was considerably extended through the formation of a joint commission of the various refugee administrations, following the resolutions of the Conference of the Ministers-President at Munich. This joint commission, of which all refugee administrations of the American and British zones are members, meets regularly to discuss common problems. Its proposals, which must be unanimous, are presented to the state governments for final decision. The joint commission has a permanent office in Stuttgart.

#### THE OUTLOOK

In 1947 the American Military Government in Bavaria again demonstrated its helpful interest in all questions concerning the refugees. The results achieved would not have been possible without the assistance of private charitable agencies.

This is a sober report; but these sober statements are necessary to realize the situation at the end of the second year of refugee assistance. In spite of the utmost efforts of the Bavarian government and of the refugee administration, a satisfactory solution of the problem, unique in its dimensions in human history, is impossible with the resources of Bavaria or any other German state. It is possible only with the generous support of the United Nations.

*Wolfgang Jänicke is Secretary for Refugee Affairs in the Bavarian Ministry of the Interior, having been State Commissioner for refugee affairs in Bavaria since December 1945. He formerly held various government positions and in 1928-29 was sent on a mission to British India, Burma; and the Netherlands Indies. From 1930 to 1932 he was a member of the Reichstag, and was suspended when Hitler assumed power. At the request of the Chinese Government, the League of Nations appointed him adviser to Chiang Kai-shek, with whom he served for two and a half years. After his return to Germany he was compelled to live in retirement because of his political views, and in May 1945 he was seriously wounded by the S.S.*

# German Social Welfare After the Currency Reform

By WILHELM POLLIGKEIT

THE request of the American Military Government for a brief report on the present conditions of German welfare activities and for recommendations of measures for their alleviation has furnished a welcome opportunity to inform people abroad as to the consequences of the currency reform in exposing large numbers of our population to destitution. The report was submitted on July 9, 1948 and read substantially as follows:

The full extent of the effects [of the currency reform upon German welfare work and its organs] cannot be assessed at the present time. There is, however, widespread disappointment that the currency reform—necessary as it was—did not give more consideration to the social aspects of the German situation. Until the last days before the publication of the currency reform laws people thought themselves justified in hoping that prolonged discussions and conferences between the American and British experts would lead to a consideration of the German proposals and produce economically and socially desirable results. There was expectation of currency reform measures which, together with the assistance from the European Recovery Program, would enable the German economy to recover under its own steam and to carry its burden of social welfare organization.

## SPECIFIC EFFECTS

Effects of the currency reform, however, which represent sources of new social difficulties, can be perceived clearly at the present time. They are as follows:

1. Numerous private enterprises which after the War, and only with great difficulty, were brought back into operation are forced to dismiss personnel. In some instances they have even been forced to shut down. Consequently, mass unemployment must be expected in the near future.

2. Public administration must also resort to dismissals in order to economize.

3. Members of the professions, such as physicians, attorneys, artists, and writers, whose incomes have suffered considerable reduction as a result of the general impoverishment and who are paid only a considerable time after their services have been rendered, are exposed to immediate difficulties because of the devaluation of their cash reserves.

• 4. Young people who because of the war have started their professional education later than usual or who have continued it only after wartime interruptions, and who have so far been able to finance their studies on their own or through assistance from their parents, have to discontinue their training and are lost as replacements.

5. Elderly people and persons for other reasons unable to work, not entitled to social insurance pensions, who until now were able to support themselves from savings and in many instances paid for their own maintenance in homes for the aged or similar institutions, have lost the means for doing so from now on and have become dependent upon public assistance. Recipients of old-age and invalidity pensions, of annuities from private pension plans, and the like, will also become dependent on social welfare if these pen-

sions have to be reduced or discontinued.

An increase of the burden of public and private welfare has thus become inevitable. One should not be deceived if for the time being the numbers of applications to public welfare agencies and unemployment exchanges do not sharply increase. The per capita quota of fully exchangeable money, particularly in families with many children, will tide people over for a couple of weeks.

It is certainly a welcome result of the currency reform that an earnest desire of people to find employment is on the increase. The outcome of such a tendency, however, depends on the absorptive capacity of the German economy, as was the case after the stabilization of the German currency in 1923. In the course of the discussion of the present currency reform the German experts pointed out with great emphasis that the reform should be enacted at a time when the German economy was starting on the road to recovery. But at present a weakened economy has to meet a greatly increased amount of social expenditures.

For decades the relationship between the population in the productive age groups and those who play only the role of consumers has been 50-50. Now it has changed unfavorably because of shifts in the age composition and war losses. In Hesse the population group in the productive age brackets amounts only to 36 per cent. For the whole of Germany it is estimated to be 40 per cent. The output of those who are able to work is in turn reduced by the limited productivity of those who are seriously handicapped and those who suffer from malnutrition. On the other hand, the social burden of the national community is becoming even more unbearable through increasing unemployment, because thereby thousands of people are lost to poten-

tial production and must be supported by those who are still working.

#### EFFECTS ON SOCIAL WELFARE AGENCIES

The serious question must be faced as to how the social welfare and social insurance agencies are to be enabled to meet these increased responsibilities. The Reichsmark holdings of the states, the communities, and the intercommunity organizations have been wiped out. The funds of the social insurance agencies have been devaluated in the relationship of ten to one. To be sure, it is said that this devaluation will apply only to receipts which came in after the war. The currency reform laws stipulate that expenditures shall be made only within the limits of available income, and that credit requests shall be confined to sums covered by future income with a dependable margin of safety. This principle, justifiable as it is from the point of view of economic management of limited means, however, presupposes reserves. Such reserves do not exist. What is essential now is a socially just taxation and distribution of the proceeds among the public welfare and social insurance agencies in order to enable them to fulfill their legal obligations.

Very hard hit are the private social welfare agencies. The devaluation of their reserve funds, which were originally designed to guarantee the maintenance of their activities, staffs, and plans, has made them completely dependent upon voluntary contributions. These contributions, in turn, have been sharply reduced through the general impoverishment. It will be possible to count on this source of income only after a general economic recovery. The private welfare agencies smart under the devaluation of their reserve funds particularly because their chances of receiving new income, as opposed to public welfare, are very insecure.

As representatives of the interests of persons who for some reason or other find themselves destitute and dependent on assistance from social welfare or social insurance organizations, we look into the future, particularly during the coming months, with a great deal of concern. If the discouraged are not to despair, and on the contrary hope is to be strengthened and the will to self-help is to be stimulated, if the organizations and the personnel of public and private welfare are to be enabled to help when necessary and sufficiently, then it appears to us imperative to alleviate through additional regulations and measures the hardships and gaps which have cropped up in the course of the currency reform.

#### RECOMMENDATIONS

In this respect the following recommendations are submitted:

##### I. Subsidies should be granted:

(a) to states, communities, and intercommunity organizations over and beyond their original quotas in consideration of the growing social burdens which these units of government have to meet in order to enable them to fulfill their welfare tasks promptly and adequately;

(b) to the social insurance agencies, insofar as their receipts and reserves do not suffice to meet benefit payments at their prescribed level;

(c) to private welfare agencies in order to maintain their services which are at present particularly needed.

##### II. Credit assistance.

Public and private welfare agencies should be given credit on the best possible terms, particularly for the rebuilding of destroyed institutions and offices, for work relief measures and rehabilitation programs.

##### III. Reconsideration of devaluation rates.

Reconsideration of devaluation rates for Reichsmark holdings should be granted to public and private welfare agencies to the greatest possible extent.

##### IV. Preferential treatment in taxation.

Such treatment should be given to private welfare agencies in order to prevent a further weakening of these already hard-hit organizations.

##### V. General equalization of war losses.

When the equalization of war losses is put in legal form, special consideration should be given to all public and private welfare organizations in view of their social usefulness and weakened financial structure.

##### VI. Accelerated recovery assistance for the German economy.

Partly through credit measures based on German capital, partly through immediate aid under the European Recovery Program, the German economy should be enabled to provide for the supply of the peacetime demands of the population, to achieve a balance between imports and exports, and to absorb all available manpower in order to counteract the threat of long-lasting mass unemployment.

*Professor Dr. Wilhelm Polligkeit has been president of the German Association for Public and Private Welfare since 1945 and held the same position from 1922 to 1934. From 1945 to 1946 he was City Councilor and Director of the City Welfare Department in Frankfurt a. Main, and since 1928 he has been Honorary Professor at the University of Frankfurt a. Main.*

# Social Insurance in Germany

By RUDOLF WISELL

GERMAN social insurance has been in existence for more than half a century and has become a model for legislation in many countries. At the present time two of its branches, old age insurance and miners insurance, are on the verge of collapse, a situation which will be discussed at the end of this paper.

## HISTORICAL DEVELOPMENT

As a starting point we shall describe the historical development of the German social insurance system, but only insofar as appears necessary for an understanding of its structure.

Originally legal responsibility for damages rested on him who caused them; for instance, on the railroad employee who threw a wrong switch and thus caused a derailment. However, these persons were usually so poor that no indemnities could be collected from them. In the late 1860's a petition for legislation was submitted to the North German Reichstag demanding that employers bear the liability for accidents caused by their employees. This led to the enactment of a compensation law in 1871 which put such liability on employers. There ensued a ten-year period of much bitter litigation which resulted in the recognition of the fact that new ways had to be devised for the adjustment of such compensation claims.

On the basis of an imperial message of November 17, 1881 separate bills for a sickness and industrial accident insurance were brought before the Reichstag in March 1882. Of these, only the sickness insurance law was passed in 1883, while the industrial accident insurance bill remained in committee. At first, in-

surance was not made compulsory for all types of employment. For agricultural workers a later law provided that they could be subjected to such insurance by state legislation. However, not much happened in this line until the enactment of the Federal Insurance Code which became effective on January 1, 1913.

German sickness insurance is designed to cover illness in general, which, like invalidity and old age, can befall anybody. Industrial accident insurance, on the other hand, covers only the consequences of occupational risks. A relationship between the accident and occupational activity therefore is essential in industrial accident insurance, while in sickness and old age insurance such a tie-up with the occupation can but need not exist. The idea of providing protection against specifically occupational risks has later found acceptance also outside of Germany. In Germany, industrial accident insurance was established by law in 1885 as a second branch of the social insurance system. This law became the basis of a broader workmen's compensation system which was instituted later. In 1886 it was extended to workers in the building trades, in 1887 to those in agriculture and forestry, and finally to ships' crews.

Special invalidity and old age insurance was established by law in 1889. This law became effective on January 1, 1891, and offered only limited protection against social maladjustment resulting from the loss of earning power due to invalidity or old age. It established eligibility for benefits in cases of invalidity without regard to age, and for people who reached the age of 70



without regard to the presence or absence of invalidity. Invalidity was defined as an impairment of earning capacity resulting in the loss of ability to earn at least one-third of what the worker in normal health would have earned in his occupation. On January 1, 1924 the age of eligibility for old age insurance was lowered to 65.

Salaried employees were originally covered by this law. In 1913, however, a special insurance for salaried employees was set up providing larger benefits than old age and invalidity insurance provided, and invalidity was differently defined. Under that law a person became eligible for invalidity benefits if due to illness or impairment of his physical or mental powers his earning capacity was reduced to less than one-half of what an employee in normal health with similar training, experience, and ability would have earned.

#### GENERAL COVERAGE

Originally the German social insurance scheme covered only manual workers; later, however, its coverage was extended to white-collar workers in factories, salaried employees in executive positions, teachers, artists, salespeople, and other white-collar workers in commercial enterprises. Furthermore, it covered artisans who did contract work for jobbers. Through an act of December 31, 1938 coverage was extended also to independent artisans. It was made optional, however, for the latter to secure private insurance if the private company met certain minimum standards of benefits. Under certain conditions it was possible also to replace sickness insurance of the general type by joining a substitute fund.

#### SELF-ADMINISTRATION

From the start, the social insurance system in Germany was intended to be autonomous in its administration. The

advantages of this feature of the system were officially recognized in 1910 when the Government introduced the draft of the Federal Insurance Code. In the covering report accompanying the bill it was stated that "governmental supervision of the social insurance scheme in the proposed law was kept to a minimum because autonomy in administration was particularly valuable in that field."

Administrative autonomy, however, was not of the same degree in all branches of the system. It was expressed in two administrative units, an executive committee which attended to the current business and a policy committee. The policy committee elected the executive committee and looked after the interests of the insured in their dealings with the executive committee.

The administration of industrial accident insurance was vested in the employers. In the future (doubtless with the approval of the employers) it will be administered under a bipartite scheme of employers and employees.

In invalidity and old age insurance, administrative autonomy was somewhat limited because the functions of the executive committee were performed by government officials. Thus the executive committees had the character of governmental agencies. However, they also had honorary members. These honorary members constituted a majority of the executive committee membership and had to be present in majority proportion in order to establish a quorum when votes were to be taken.

In miners insurance there was complete administrative self-government. The executive committees were composed of employer representatives (two-fifths of the committee members) and employee representatives (three-fifths of the committee members).

In sickness insurance the beneficiaries had majority representation in both the

executive committees and the policy committees. Their representatives outnumbered the employer representatives by one-third of the total membership in each unit. In invalidity and old age insurance the corresponding relationship was one to one.

So much about the structure of German social insurance before National Socialism. It is a task for the future to re-establish self-government in this area also.

#### SICKNESS INSURANCE

Carriers of sickness insurance were the so-called Health Funds established on local, plant, industrial, and state bases. The legally required benefits were sickness benefits, maternity benefits, death benefits, and family benefits. The statute of each fund could establish benefits over and above these minimum benefits.

Sickness benefits were paid from the beginning of illness to persons who were covered on a compulsory basis. For others, a waiting period of six weeks could be required in the statute of the individual health fund. The benefits covered doctor's services, medicine, eye glasses, trusses, other minor auxiliary services, and cash payments.

Sickness benefits were normally limited to a period of twenty-six weeks, but could be extended by a provision in the statute to one year. Furthermore, the statute could provide for convalescent care, particularly in a convalescent home, for a maximum period of one year after expiration of the sickness benefits. Finally, provision could be made for remedial care in cases of mutilation and deformity.

While the claims of persons whose insurance was compulsory were not dependent on a waiting period, this was not so in maternity cases. Under the Federal Insurance Code maternity aid was given only if the beneficiary had

been insured for at least ten months during the last two years before delivery or at least six months during the last year.

Death benefits amounted to twenty times the base income of the deceased.

Family benefits consisted of maternity aid to the wife and such daughters (including stepdaughters and foster daughters) of the insured as shared his household and had no direct claim of their own to such aid. Such aid was dependent on whether the insured met the requirement of the waiting periods of ten and six months respectively.

The social and economic importance of sickness insurance can be gathered from Table 1.

TABLE 1—STATISTICS OF COMPULSORY HEALTH FUNDS

	Year	
	1931	1939
Number of funds	6,929	4,408
Yearly average of membership (in thousands)	18,958	24,556
Insurance cases per member	1 415	—
Incapacitated cases per member	0 374	0.515
Working days lost per case	28 3	20 9
Maternity cases of members and dependents, per 1,000 members	36.1	45.4
Deaths per 1,000 members	10.5	9 2
<i>Finances</i>		
Net income		
Total (million RM)	1,429.3	1,689.7
Per capita (RM)	75.24	77.41
Membership contributions		
Total (million RM)	1,359 9	1,632.5
Per capita (RM)	71 58	74.79
Expenditures		
Total (million RM)	1,490.4	1,693 1
Per capita (RM)	78 44	78 83
Assets		
Total (million RM)	846 5	819.2
Per capita (RM)	45 56	—
<i>Nature of expenditures</i>		
Sickness benefits		
Total (million RM)	1,226.8	1,374 2
Per capita (RM)	66.57	64.21
Maternity benefits		
Total (million RM)	93 9	138.2
Per capita (RM)	4.94	6.33
Preventive medicine		
Total (million RM)	8.43	6.83
Per capita (RM)	0.44	0.28
Death benefits		
Total (million RM)	17.53	18.80
Per capita (RM)	0.92	0.86
Administrative overhead		
Total (million RM)	134.7	137.0
Per capita (RM)	7.09	6.28
<i>Breakdown of sickness benefits (million RM)</i>		
Doctors' fees	404.0	470.7
Medication	135.7	137.2
Hospital care and stays in watering places	206.9	196.4
Cash payments	369.5	457.8
Medical care for dependents	96.9	106.3

## SUBSTITUTE FUNDS

Even before the introduction of Federal sickness insurance a so-called Assistance Funds Law, passed in 1876, had led to the establishment on a state basis of funds which later came to be called Substitute Funds because they were permitted to continue after the introduction of Federal sickness insurance. Their members were exempt from insurance under the latter. However, new Substitute Funds could not be established.

TABLE 2—STATISTICS OF  
SUBSTITUTE FUNDS

	Year	
	1930	1939
Number of funds	54	28
Membership (in thousands)	1,564	2,564
Members who otherwise would have been under compulsory insurance (in thousands)	1,074	1,887
Income (million RM)	178.5	259.6
Expenditures (million RM)	173.4	247.1

Through an act of July 5, 1934 these Substitute Funds were formally declared to be carriers of sickness insurance. From then on they were subjected to all norms contained in the Federal Insurance Code.

## INDUSTRIAL ACCIDENT INSURANCE

Industrial accident insurance was originally restricted to the branches of industry which presented special occupational hazards. It was gradually extended, however, until it finally covered all persons gainfully employed. Included were personnel engaged in medicine and public health work, veterinarians, fire wardens, and all persons engaged in rescue work of any kind, whether employed or volunteer workers, and blood donors. The list of all the categories covered is too long for presentation here.

In 1925 coverage was extended to accidents on the way to and from work and to a number of occupational diseases. After the issuance of three executive orders to this effect, there were

twenty-six occupational diseases covered. Among those were contagious diseases contracted by people working in hospitals of all kinds, diseases contracted by social workers engaged in either private or public welfare work, by people in public health work, and by persons working in laboratories and in medical research.

Loss of earning capacity due to occupational accident or occupational disease was compensated for by pensions. The pension was calculated on the basis of the last yearly income which the insured person had received prior to the accident. For insured persons under twenty-one years of age the computation could be made on a higher basis. In order to avoid hardship, computation could be made under equity considerations.

In order to prevent litigation regarding the question of responsibility for the accident, coverage was extended to all types of accidents, even to those which were caused by the insured person alone or by contributory negligence on his part. Thus the claim of the person who suffered the accident was independent of questions of causation.

Because of this extended coverage, pensions were restricted to two-thirds of the lost income basis. For instance, in the case of complete incapacitation and an income basis of RM 3,600, the pension would be only RM 2,400. In the case of partial incapacitation the pension would be proportionately smaller. In case of physical helplessness the insured person had a choice between the direct provision of nursing services and the payment of a monthly sum ranging from RM 20 to RM 75. If the accident resulted in death, a death allowance had to be paid amounting to one-fifteenth of the last yearly income of the deceased.

The widow had a pension claim amounting to one-fifth of the last yearly income of the deceased, until her own

death or until remarriage. If she herself lost one-half of her earning capacity through disease or infirmity, the pension was increased to two-fifths of the original computation base.

Until the end of his eighteenth year, each child of the deceased received a pension of one-fifth of the last yearly income of his father. In the ascending line, relatives of the deceased whose basic support he had provided also received, in case of need, a pension of one-fifth of the last yearly income of the insured.

However, the survivor pensions could not total up to more than four-fifths of the computation basis. If they would have done so, they were reduced proportionately for widow and children. Relatives in the ascending line had a claim only insofar as widow and children did not exhaust the maximum amount.

#### *Accident prevention and therapy*

Next to accident compensation, accident prevention and vocational guidance became progressively the central problem in this area. They changed from matters of social desirability into matters of social obligation over and beyond the limits of the law. The expenditures for accident prevention increased from RM 2,734,000 in 1913 to RM 3,151,000 in 1924, to RM 9,750,000 in 1937 to RM 11,513,000 in 1938, to RM 12,185,000 in 1939.

These figures of course do not cover the expenditures for accident prevention in private enterprises. According to an agreement between the Federation of Industrial Accident Insurance Carriers and the Association of German Machine Manufacturers, every new machine sold had to have all protective devices which appeared indicated according to the current stage of technological development. Through employment of 544 "technical inspectors" in 1933 and 596 in 1939, an attempt

was made to improve accident prevention in the factories and workshops. A decrease in the frequency of accidents testified to the success of these measures.

From 1920 on, the industrial accident insurance carriers, i.e., the various Employers' Insurance Associations, had a central agency for accident prevention. It was the major task of the latter to spread information about all innovations in accident prevention and to provide consultation service for anybody who wished such advice. Such consultation and information were given to an extensive degree. Also from abroad came requests to this agency for advice on accident prevention.

Therapeutic endeavors expressed the same tendency as accident prevention, and continuous efforts were made to improve therapy in the light of current experience. The aim was the shortening of the recovery period and the achievement of the greatest possible recovery of the earning capacity of the victim of the accident. Increasingly it became possible to help the victim recover the enjoyment of his functions. Through awareness of his function potential and the earning possibilities involved, the insured person learns to master his own situation and to recover the feeling of being a useful member of society.

#### *Attempted unification*

Recently efforts have been made in some quarters to have all industrial accident insurance carriers subjected to one unified insurance scheme, disregarding their experience of fifty years in diverse lines of industry. The twelve universities in the western zones have objected to this and have come out in favor of the old occupational line-up of the Employers' Insurance Associations. If the plan for unification had been carried out, the medical schools would have suffered severely. In giving expert treatment and evaluation of accident results they

have developed a whole body of accident medicine in closest co-operation with the Employers' Insurance Associations and have brought it to an internationally recognized level.

#### *Carriers of industrial accident insurance*

\* The most important carriers of industrial accident insurance in Germany were the Employers' Insurance Associations (*Berufsgenossenschaften*). In-

ness, of earlier receipt of temporary invalidity pensions, and of military service did not interfere with the building up of this requirement.

For old age pensions the eligibility requirement was 780 weeks in which contributions had been made.

From the start, invalidity pension benefits were made up of Federal subsidies and payments of the insurance carriers. The latter took two forms—a

TABLE 3—NUMBER OF INSURED ENTERPRISES, EMPLOYEES, TYPES OF ACCIDENT, AND NUMBER OF PENSIONERS, 1939

Insurance Carrier	No. of Enterprises Covered <sup>a</sup>	No. of Full-Time Employees Covered <sup>a</sup>	Wages in million R.M.	Accidents				Pensioners <sup>a</sup>
				No. of Reported Accidents <sup>a</sup>	No. of First Accidents	No. of Fatal Accidents	Accident Rate per thousand workers	
Industrial Employers' Insurance Associations	1,473.5	15,653.6	30.8	1,721.7	60,979	7,555	0.48	472.1
Agricultural Employers' Insurance Associations	6,039.8	16,047.0	—	323.9	43,568	3,297	—	260.1
All insurance carriers	7,587.2	17,706.9	—	2,253.7	118,390	12,044	—	802.4

<sup>a</sup> In thousands.

sured activities which did not fall within the branches of the occupational line-up were insured in affiliated organizations. Other carriers were further governmental organizations on all three levels of government (Federal, State and local). In 1939 there were:

Industrial Employers' Insurance Associations .....	64
Affiliates .....	15
Agricultural Employers' Insurance Associations .....	31
Governmental organizations .....	130
Community organizations .....	28
<b>Total</b>	<b>268</b>

#### INVALIDITY AND OLD AGE INSURANCE

Beginning in 1937, workers became eligible for invalidity pensions in cases of compulsory insurance after 260 weeks of contributory payments; in other cases after 520 weeks. Periods of ill-

ness benefit and increments. The relationship between the two sources of financing was repeatedly changed, with resulting changes in the amounts of pensions. For reasons of space a detailed description of this development cannot be presented here.

Survivors pensions were similarly financed. In spite of the very sizable subsidies given by the Federal Government and the Federal Institution for Employment Service and Unemployment Insurance,<sup>1</sup> the pensions were fairly

<sup>1</sup> Originally the Federal Institution for Employment Service and Unemployment Insurance had to carry only the invalidity insurance contributions of unemployed workers during the period of their unemployment. During the period of rearmament and the war period, there was hardly any unemployment in Germany. The contributions for unemployment insurance, however—6.5 per cent of the wages—had to be continued. Out of the

TABLE 4—PENSIONS IN SELECTED YEARS  
(Number of cases in thousands; average per month in RM)

Date	Invalidity Pensions		Widows Pensions		Orphans Pensions	
	Number of cases	Average per month	Number of cases	Average per month	Number of cases	Average per month
1/1/26	1,521.1		233 4		1,135 6	
1/1/38	2,479.9		649.9		283.7	
1939	2,565.7	31.46	720.4	19 01	334.0	10.77
1/7/41	2,755.1		822.1		482 1	

small. In 1939 they amounted per month to the average sums indicated in Table 4.

These pensions did not even cover living expenses on a subsistence level, and in most instances had to be supplemented by public assistance on a local basis. Nonetheless, their large number—2.7 million invalidity pension cases alone—made them a great economic burden.

what through the effect of Hitler's marriage and anti-birth-control propaganda. Still, the whole phenomenon is a very unhappy symptom of the demographic changes in the German population.

The net assets of invalidity insurance amounted in 1933 to 1,229.3 million RM, in 1939 to 4,015.1 million RM, and in 1941 to 6,021.3 million RM. At the end of the war, they should have amounted nominally to between 10,000

TABLE 5—INCOME AND EXPENDITURES OF INVALIDITY INSURANCE  
(In million RM)

Year	Income				Expenditures		
	Total	Contributions	Federal subsidies	Subsidies of the Federal Institution for Employment Service and Unemployment Insurance	Total	Pension payments	Other benefits
1933	1,140.7	678.7	404.2	—	1,178.2	690.0	35.1
1939	2,283.3	1,388.0	492.3	249.7	1,581.6	1,282.0	76.2
1941	3,106.2	1,527.7	767.2	275.0	1,962.3	1,656.0	81.2

In the course of years the number of invalidity pensions and widows pensions grew rapidly, while the number of orphans pensions decreased. In the last years this trend was slowed down some-

money so accumulated, the Federal Institution for Employment Service and Unemployment Insurance built up a fund for future use. Beginning with 1938 it paid the invalidity insurance contributions of workers who were in the armed services out of this fund. In order to avoid complicated auditing, the sum to be paid for this purpose was fixed at 18 per cent of the contribution total of invalidity insurance.

and 11,000 million RM. Of course, everything that was not invested in mortgages was used for war financing and thus dissipated. Furthermore, Federal subsidies will not be available in the future.

The contributions to invalidity insurance were paid in equal proportions by employers and employees. They varied in size. Originally they were graduated in five categories according to the amount of wages paid; later on there were ten categories of such contributions.

## MINERS INSURANCE

Special miners insurance on an occupational organization basis in Germany is several hundred years old. Mining is, of course, the most hazardous occupation there is. Disability to work in the pits occurs at an age at which the members of other occupation groups still retain maximum capacity for their jobs. Invalidity affects miners earlier and their average life expectation is shorter than is the case in any other line of work. For this reason the miners formed self-help organizations at a very early time, the so-called miners' funds or miners' benefit societies. In the course of time they were regulated by state legislation and finally co-ordinated in one organization, the Nation-wide Fund for Miners.

On the basis of Federal legislation, miners insurance covered all wage earners and salaried employees who were exclusively or primarily employed in mining enterprises. Each of these two groups had a special pension fund. The insurance of employees not directly engaged in mining was regulated according to the principles which governed the insurance of salaried workers in general.

Wage earners in mines were insured both through the pension division of the Nation-wide Fund for Miners and through invalidity insurance. In the place of invalidity, however, we have in this instance loss of earning power. Loss of earning power was assumed to exist when a worker, because of sickness, other infirmity, or a decrease of his physical or mental vigor, could not continue in his previous employment in the mine or could not perform a similar or equivalent type of work available in the mine for people with his knowledge and capacities.

Invalidity pension of miners consisted of a base benefit, increments, and a children's subsidy. Beginning August

1, 1941 the yearly base benefit amounted to RM 156 and the increment was at least RM 72. Before that time the base benefit had been only RM 72.

The wage categories differed from those in the general invalidity insurance. However, the children's subsidies were the same; that is, RM 120 for each child until 18 years of age.

Eligibility for old age pensions was established at age 50 upon the completion of a working period of at least 300 months during which insurance contributions had been paid, of which 180 months had been spent in mining. A further eligibility requirement was that the worker had not abandoned his claim to miners insurance and was not engaged in an equivalent gainful occupation. If he was so employed, his old age pension was reduced to 75 per cent.

The widows pensions were paid unconditionally if the deceased at the time of his death was eligible for invalidity pension. It was five-tenths of the invalidity or old age pension without children's subsidies. The orphans pensions were two-tenths, and in the case of salaried employees four-tenths of the

TABLE 6—CONTRIBUTING WORKERS AND PENSION RECIPIENTS IN MINERS INSURANCE

Year	Number of Insured		Recipi- ents of pensions	Number of contributors per pension recipient
	Total	Directly engaged in mining		
Wage earners				
1929	719,961	445,129	251,414	2.79
1931	435,938	257,083	290,395	1.59
1939	750,459	440,927	378,844	1.99
Salaried employees				
1929	49,312	13,262	17,697	2.77
1932	39,027	10,183	21,499	1.91
1939	20,191	15,937	27,695	0.74

TABLE 7—INCOME AND EXPENDITURES OF MINERS INSURANCE  
(In million RM)

Year	Income				Expenditures		
	Total	Contributions	Federal subsidies	Subsidies of the Federal Institution for Employment Service and Unemployment Insurance	Total	Minimum payments	Other payments
Wage earners							
1929	223.1	164.2	67.3	—	196.2	184.1	2.5
1932	169.7	72.7	89.1	—	163.5	149.7	3.2
1939	336.0	151.1	95.5	50.0	218.6	188.5	4.8
Salaried employees							
1929	39.0	28.1	7.7	—	35.7	33.4	0.9
1932	29.5	20.6	6.0	—	34.0	32.2	0.8
1939	64.5	16.6	12.5	18.0	49.7	38.4	0.8

invalidity or old age pension of the deceased.

For salaried workers in mining enterprises the principles and regulations governing their benefits were the same, but base pay and increments were higher. After August 1, 1941 the base benefit was RM 444. Before that time it had been RM 350. There were eight salary categories, and the increments ranged from RM 0.45 per month for the lowest salary category to RM 6.75 per month for the highest.

The financial situation of miners insurance was still more difficult than that of general invalidity insurance. The relationship between the number of insured persons—that is, of contributors—and the number of pension recipients became simply catastrophic. From 1886 to 1921 the number of German miners increased from 343,707 to 1,212,572. But from then on, as a result of technological improvements, their number decreased to 458,257 in 1932. The number of contributors declined, and the total of old and disabled miners who had pension claims increased continuously. To be sure, after 1932 the num-

ber of miners increased again, but the number of pension recipients increased also, and more rapidly.

It is, of course, clear that with such a ratio of contributors to pensioners, the income from contributions did not even cover the minimum payments under the law.

Individual pensions were very small, as shown by Table 8.

TABLE 8—MONTHLY AVERAGES OF  
INDIVIDUAL MINERS PENSIONS  
(In RM)

	Year	
	1929	1939
Wage earners		
Invalidity pensions without children's subsidies	56.8	36.34
Old age pensions without children's subsidies	71.67	61.81
Salaried employees		
Retirement pensions	166.95	107.94
Old age pensions	135.19	133.45

#### SALARIED EMPLOYEES INSURANCE

Under compulsory insurance plans female employees became eligible for retirement pensions after 60 months of service, male employees after 120 months. Dependents of female employees received survivors pensions only if the deceased had worked 120 months.



If the insured did not meet the required eligibility period under compulsory insurance, longer eligibility periods under voluntary insurance were required; namely, 90 months for female employees for retirement pensions, and 150 months for other benefits. For male employees the eligibility period was 150 months for all types of benefits. During the first ten years after institution of the plan, 60 months were sufficient to establish eligibility for survivors pensions in all cases.

Between January 1, 1913 and October 31, 1922 retirement benefits after completion of the eligibility period amounted to one-fourth of the contributions made. After January 1, 1924 retirement benefits consisted of a base benefit and increments.

In 1932 the base benefit was reduced from RM 480 to RM 396, and in 1933 to RM 360. It remained at that level until August 1, 1941. At that time it was set at RM 444 and the increments were fixed at 7 per cent of the former income as long as it did not exceed RM 7,200.

Children's subsidies originally were very low; namely, RM 36 yearly. Later they rose to RM 120 per year. Together with the decrease in the base benefits they were reduced to RM 90, and on August 1, 1941 they were restored to the sum of RM 120. The age limit was the same as in invalidity insurance; that is, 18 years.

After July 1, 1942 the survivors pensions amounted to five-tenths for widows and four-tenths for orphans. The calculation base was the amount of retirement benefits which the deceased had received or would have received had he lived long enough to become eligible.

#### THE INSURANCE OFFICES

In order to provide for decisions in the many cases of contested insurance

claims, Germany established special government agencies with judicial functions, the so-called Insurance Offices. These offices had at the same time supervisory functions. The directors of these offices had to be qualified for higher administrative as well as higher judicial service. They were assisted by civil servants and by honorary lay members.

These offices examined only the legality but not the efficiency of the procedure of the insurance carriers. They represented a supplementation as well as a limitation of the administrative autonomy existing in the German social insurance system. The local Insurance Offices supervised the health funds and decided litigation between the insured and the funds in first instance. The Superior Insurance Offices functioned as appellate facilities regarding the decisions of the local Insurance Offices in industrial accident and pension cases. The Federal Insurance Office, the highest governmental agency in this scheme, had a president, three directors, senate presidents—at the end about thirty—and permanent as well as temporary members. Judges participated in the sessions of the senates in order to safeguard the legality angle of the proceedings.

The Federal Insurance Office also decided general appeals in industrial accident insurance and special appeals in invalidity and salaried workers insurance. In general appeal cases the decision was still completely open and could encompass also questions of fact. In special appeals, only legal or procedural mistakes could be rectified. Conflicts of opinion within the Federal Insurance Office senates were decided by a "Grand Senate" in the sessions of which eleven members participated.

The decisions of the Federal Insurance Office had great prestige and provided a mine of information on all questions of social insurance. The most im-

portant decisions were published in the "Official Bulletin of the Federal Insurance Office," which later took the name "Official Bulletin of Federal Insurance." These bulletins contained also expert opinions of medical authorities who had been consulted in industrial accident insurance cases.

#### SOCIAL INSURANCE AFTER THE WAR

With the collapse of Germany there came also a collapse of the German social insurance system. After a few months, however, operations were resumed on a small scale. The feeling of responsibility on the part of the heads of individual insurance carriers led, in the western zones, to a re-establishment of social insurance in the old forms, although with reduced benefits. Where difficulties arose, one insurance carrier came to the rescue of the other.

Closest to normal operation came sickness insurance and industrial accident insurance. Also old age insurance has been able to fulfill its obligations so far. It has done so by drawing on the income of the salaried employees insurance, which for the time being surpasses its obligations.

In the Russian zone the old insurance carriers were abolished. There, with preconceived ideas and little expert knowledge of the previously existing social insurance system, an attempt has been made to establish a unified insurance structure based on contributions of 20 per cent of wages and salaries. At first only sickness insurance benefits were paid. However, when it was believed that the payment of pensions also could be resumed in a limited fashion, the establishment of "a unified pension system for wage earners, salaried workers and miners" was announced with great fanfare. Pensions, of course, were to be paid only in cases of disablement resulting in a loss of at least two-thirds of former earning capacity. As

a consequence, the badly needed influx of manpower to the mines ceased.

On January 1, 1947 the former privileges of the miners had to be restored. Also, industrial accident insurance had to be re-established—to be sure within the framework of the general unified insurance scheme and not with the previous insurance carriers. Old age insurance was to be paid again to people with a previous yearly income not exceeding RM 7,200. Accident prevention, which formerly had been carried on by the various Employers' Insurance Associations which had close contact with the conditions in the individual plants, was now entrusted to a central agency and lost thereby much of its former effectiveness.

What, then, remained of the unified insurance scheme? Only the name! Out of one pool of income were supported sickness insurance, industrial accident insurance, old age insurance, and miners insurance.

The situation in Berlin was similar. There, too, contributions had to be made to the extent of 20 per cent of income from wages and salaries, but of course there was no miners insurance. Later a limited industrial accident insurance was introduced providing that pensions to people who were still working could be paid only if the new income did not equal the amount which would have been the calculation basis for the pension. However, in view of the manpower shortage, people with reduced working capacity now get higher wages than previously. That means that the Berlin measure represented insurance on paper only. The only result was prevention of full effort on the part of some workers—an economically very unfortunate consequence.

In Berlin the various insurance carriers were not abolished; they were only suspended, but in practice this amounts to the same thing. The suspension has

been partly enforced through police intervention. The fanatics of unification forcibly removed the vice-president of the Nation-wide Fund for Salaried Workers from his office, with the assistance of the police. There was nothing against him as a person. He was not a Nazi. He had resumed his office only after the president, a Nazi, had fled from Berlin.

#### THE PRESENT NEED

In defense of a unified insurance scheme, the consequences of the last war have been said to have demonstrated that without insurance of all members of the population, security of those who may be in need at a later date would be impossible. The number of needy persons at the present time, however, defies all imagination. The people whose small savings have been wiped out, the many refugees and the people who were transferred from the east, the war invalids, and the survivors of people killed have increased by millions. Nobody is able to say what plans are being made for their security. Pension insurance pre-supposes the fulfillment of an eligibility period. However, persons who are needy now cannot wait until they fulfill this eligibility requirement. The need for insurance benefits already exists.

If the needy were to receive benefits from the resources of the insurance system, the benefits of those who contributed earlier—and frequently for several decades—would have to be considerably decreased. That would destroy confidence in the security of legitimately acquired insurance claims.

Twice so far have the Germans, and especially the German workers, lost their savings. They lost them for the first time in the inflation after the First World War, and they have lost them now through the closing of the banks in the Russian part of Berlin.

The number of contributors, particularly in the higher categories, has dropped considerably in consequence of the millions of casualties in the two world wars and the considerable decline in the birth rate. In the age group between 25 and 30, men are only about half the number of women. Millions of women will have to go without the life fulfillment and happiness of motherhood. Female labor will greatly increase. That means a lowering of the birth rate even further, because working women bear fewer children than those who engage only in homemaking.

At present the birth rate has come down to 15 per thousand people. In the 1880's it stood at 35.5. Then the number of births was yearly about 1,735,000. In the first decade of this century it was slightly over 2,000,000. In 1932 and 1933 the number dropped to under 1,000,000. In consequence of the marriage propaganda during the Hitler era it rose again somewhat, but not above 1.1 million. Since then it has dropped again. Unfortunately, however, it is exactly the vast pool of people born in the 1880's from which the pension claimants of today have come. Their number will continue to increase even further in the next decades.

What to do with those eligible for benefits today and in the next decades is the big question. A unified insurance system does not get us out of the difficulty. It is impossible to deny the claims for pensions on the basis of industrial accidents or occupational diseases to those who are exposed to such risks because of their employment. This is the reason why the old structure of German social insurance must be maintained. Only within the four branches of sickness insurance, industrial accident insurance, old age insurance, and miners insurance can a co-ordination be carried out. Such a co-ordination has proved to be effective in the western zone and

could be introduced for the whole of Germany.

#### OUTSIDE THE INSURANCE SCHEME

Of course this does not answer the question as to what should be done for the millions of needy people who have no social insurance claims. They cannot be left to their fate. Assistance must be given. The expenditures for assistance to them, however, will have to be borne by the proceeds of general

taxation. Everybody will have to contribute according to his income and according to the assets which he may have accidentally retained.

The question which has been discussed raises the problem of general welfare measures. Such measures will doubtless have to be accepted as a public responsibility when the economic structure of Germany is free of the many and heavy burdens which it now has to carry. Today no solution of this problem is within sight.

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# Restitution for Victims of Nazi Persecution

By PHILIPP AUERBACH

WHEN the doors of the concentration camps opened in 1945 and the prisoners—in their blue-and-white striped uniforms—flocked to their home regions, there could be no question of any organized help. Only a few mayors and county commissioners intervened on their own account. The chaos that arose in Germany, especially in the British-occupied zone, was not favorable to the establishment of government; eventually local governments slowly sprang up instead.

## BEGINNING OF ORGANIZED AID

In August 1945, Dr. Stäter, at that time a departmental head (*Regierungsrat*), appointed me to organize aid to those persecuted for racial, religious, and political reasons, in Düsseldorf, for the then largest German administrative area. In my office I found only a chair, a table, and a box. The state had no money available, and I had to collect the considerable sum of about two million Reichsmarks myself. I at once introduced payments of regular allowances for the support of disabled comrades, as well as temporary grants. Owing to the generous support of the Dresdener Bank in Düsseldorf I was able to procure considerable credits for them to establish a new existence. It was not possible to discuss problems of indemnification with the British Military Government, and it is very regrettable that even now the indemnification laws of the British zone are very backward compared with those of the United States zone. So far only one law has been enacted there, providing an allowance of an average amount of RM 150 for the near relatives of those injured in the camps.

In the French zone the aid has been copied from the laws of the United States zone, but we may say that Bavaria has gone farthest in this respect. The "Restitution of Property" law of the French zone, though related to Law No. 59 of the American Military Government, is not drafted with the same generosity. It contains, in part, additional and rather disadvantageous provisions.

When writing on the subject of those persecuted for racial, religious, and political reasons, I must assume that aid for these groups is to be only a transition to an indemnification law. Unfortunately we are still in this transitional stage after two years.

It cannot be denied that the insecurity of the currency, in view of the coming monetary reform, is an additional handicap. I am unconditionally in favor of the prompt enactment of a uniform indemnification law in all four zones, as promptly followed by uniform procedural regulations. It would also be desirable that the other zones adopt the Law of Special Funds (No. 75) of the American zone.

The difficulties of obtaining conclusive indemnification legislation compelled us to propose to the Council of States of the American zone an amendment of the Law of Special Funds (*Sonderfondsgesetz*) No. 75. We proposed an extension of the allowance period from 18 months to 30 months, with a possibility of increasing the grant-in-aid for establishing a new existence from 3,000 to 6,000 RM, and for meeting a temporary emergency from 1,000 to 2,000 RM. Thereby we are in position to give further help to those people and to

bridge the gap until the indemnification legislation is passed.

#### PRESENT LEGISLATION

What indemnity laws have thus far been enacted? In the American zone, Control Council Law No. 9 has been in effect, and a great number of allowances have been paid to dependents and invalids. In the British zone, in North Rhineland-Westphalia, there is an allowance law which functions in a similar way. We have not so far been able to secure any law in addition to the American Military Government Law on Restitution of Property, issued on November 10, 1947. This law has become operative. It will undoubtedly cause many difficulties, and it has reference only to people who had personal or real property before Hitler's assumption of power. It is obvious, therefore, that a law must be enacted that duly compensates all victims of National Socialism for mental and physical injuries and for damages to health and property.

When I submitted to the Council of States in the American zone the draft of a law concerning the prompt indemnification of those having innocently suffered detention, I met with opposition from different sides; but such a law had to be proposed to make it publicly clear that not only should the formerly well-to-do people have their former property restored by military law, but those who lacked such property but had suffered mentally or physically were equally entitled to compensation. We realized that such a law could not do justice to all parties, and it is regrettable that the Hessian government declared that it could not raise the amount necessary for the application of the law.

#### SOURCES OF FUNDS

This law roughly fixed its capital requirements at 300 million RM. The Bavarian government declared itself pre-

pared to put at our disposal 100 million in cash and 100 million in property values. Cash amounts up to 70 million are already at our disposal, especially as the Bavarian Minister of Finance granted me the right to dispose of this fund after April 1, 1948. In contrast to this, the Hessian government has paid all the costs of administration out of this indemnification fund, while in Bavaria the corresponding expenses have been paid from general state funds. About 5 million RM of the indemnification fund have already been disbursed. Other expenses have been met by money appropriated from general state funds.

The second asset is the properties of the former concentration camps. We insist that everything achieved with the blood and the industry of our concentration camp comrades should go to the indemnification fund for the victims of fascism. The military and state governments have consented. The estimate of 100 million RM does not exaggerate the value of concentration camp properties in Bavaria.

The most important camps are the former concentration camps of Dachau and Flossenbürg. They will presumably be exploited on a co-operative basis. Flossenbürg, for instance, has a quarry, operated by the co-operative labor organization "The New Economy" (*Neue Wirtschaft*). The so-called SS houses in the camps have been leased by us. We are making an exact inventory of the value of the land and the over-all value of the houses and will then take over the whole business as a co-operative enterprise. We will compensate our politically persecuted comrades through shares in the co-operative, if they wish it. The same is planned for Dachau.

Lately we have purposely refrained from pressing the passage of the so-called 10-RM law (provisional "law for the indemnification of those unlawfully detained"), since we have no adequate

guarantees against eventual devaluation. We are not satisfied to have our claims acknowledged and to make payments to our persecuted comrades, if in a few months the sums would vanish. Therefore we have preferred to amend the Law of Special Funds (No. 75). By this amendment all hardships will be eliminated. At the same time the Bavarian Department of the Interior ordered the local relief agencies (*Bezirksfürsorgeverbände*) to refer to the State Commissioner's office (*Staatskommissariat*) all those persecuted for racial, religious, or political reasons who are in need of support. The result of this administrative separation is that no victim of racial or political persecution is cared for by public assistance. Aid to them is furnished only under the Law of Special Funds (i.e., by governmental action free of the implication of relief). This aid takes the form, then, of an intermediate stage prior to an indemnification law. If the so-called 10-RM law is again taken up for discussion, we shall either want the necessary promise of a monetary reform or we shall wait for the reform to materialize.

#### BASIS OF DESIRED LEGISLATION

Now we come to the important question of uniform legislation leading to a definitive indemnification law. I regret to state that a prejudiced article published in Brandenburg in the Russian zone calls me a pacemaker for the American capitalists and falsely states that I asked for 15 billion RM as indemnification of the victims of Nazism. That is not true. What I actually said is that if we were to add all the claims of the persecuted and especially of those who had not been in detention but merely sustained some loss, we might well arrive at a sum of 15 billion, which would, of course, be absurd and never acceptable. At the same time I used the simile of people who before the war had

a coco fiber mat and today want an Oriental rug.

I explained in Stuttgart to the Council of States that this legislation must be drafted from a purely business point of view. We must start with the theory that postwar Germany is like a bankrupt estate, in which the claims of those persecuted for racial, religious, and political reasons are like the claims of preferred creditors in a fraudulent bankruptcy case. We must start by determining the size of the bankrupt's estate, and therefore we need filing of claims against the estate. The legal provisions for such filing have already been worked out by a committee of the Council of States on a zonal basis. They must of course be fixed for all zones. In so doing, we must distinguish between (a) occupational losses, (b) property losses, and (c) health losses.

I should like to illustrate this in more detail. In order to keep the demands from assuming fantastic proportions, we must recognize occupational losses only if they are based on an annual income not exceeding RM 12,000, less the applicant's actual income for the period for which the loss is claimed. It would not be fair to favor special groups, such as employees and officials. We must support the system of equality before the law.

We have already started in connection with health losses by compiling statistics on health, by having our members examined by the State Health Department. This has revealed the shocking fact that the injuries to health due to camps and prisons surpass by far what had generally been assumed. It is obvious that we must try to restore the full health of every person.

As for property losses, we must deduct, of course, the losses declared that fall under the Law of Restitution of Property; this will mean a considerable reduction in the number of declarations.

When we receive these declarations we shall have an approximate conception of the claims for indemnification made by those persecuted for racial, religious, and political reasons.

#### SOURCES OF REVENUE

We have now looked at the liabilities; what are the assets? It seems justified to request that the excessive profits between 1933 and 1945 be taxed away, so that they can be used for the future indemnification fund. With this measure we hope to hit the profiteers of the National Socialist Party and of the war, who are responsible for our misery. But quick action is needed, because there is danger that with the coming monetary reform the equivalent sum will be set aside, not for the indemnification fund but for the fund for balancing the currency, in which case a considerable source of income for the indemnification fund would vanish. Furthermore, I have been demanding that all party members contribute a sum twice the amount they have already paid.

This proposal has raised a discussion, and we have to consider whether we should make use of this source of revenue or secure the same sum in some other way. I should like to avoid, in any case, having the taxpayer—that includes ourselves—contribute to the indemnification by means of a special tax. But if these sources should be blocked, the only possibility left to us would be to raise the necessary amounts for indemnification over a space of twenty or thirty years, by means of taxes. We might get liquid funds through the issue of bonds carrying preferential rates of interest and the right of redemption by the purchaser at any time. By such means we might be able to cancel our indemnity obligations in twenty-five to thirty years. This seems to me the only feasible solution of the problem.

#### USES OF FUNDS

Just a few words more concerning aid. Today our task is to meet financial obligations in the form of allowances up to thirty months, single-payment emergency assistance, and grants-in-aid to set up a new means of livelihood, in which case we make credits available from private sources. We also, according to the law, provide funds for medical treatment and for sanatory and convalescent home care, and also for vocational training, especially subsidies for continuation of study. State appropriations, as well as indemnification funds, are at our disposal for these purposes. We use the state funds for cases we cannot help under the Law of Special Funds. The state appropriation in Bavaria provides 5 million RM, while the indemnification fund amounts to about 70 million RM, as already mentioned.

We may say that aid in Bavaria is so organized that nobody suffers want. But still we are only building a bridge. The individual may take offense at having to give proof of his need. But we are rather generous in the proceedings. The applications through the relief board go to the representatives of the department and from them to the department's welfare section and finally to myself.

Moreover, relief includes extra food in the form of extra rations. Those who have spent more than six years in detention get the same rations as those engaged in heavy labor. For the time being there should be no change in this respect, but it is regrettable that the special rations have had to be abolished on account of the difficult food situation. But right now nothing can be done about it.

Furthermore, we must provide clothing, shoes, and furniture from the Special Fund, if those in our charge are to receive their rights.



Another aspect is the question of a supplementary vacation of six days granted to everyone detained for more than one year and, for the time being, more than two years. This question also gave rise to discussions, as nobody was willing to believe that this made more difficult the employment of those persecuted for racial, religious, and political reasons.

#### BUSINESS DISABILITIES

Furthermore, we must insist that the question of licenses and allocations to business enterprises be more justly settled. The basic mistake in this respect was the permission to the so-called old firms, which in most cases were profiteers of the Third Reich, to keep their allocations and licenses. The victims of political, religious, and racial persecution, however, received only new licenses, the exercise of which is in turn being contested. We must demand that all licenses issued after 1933 be subjected to re-examination from the point of view of political and moral reliability of their holders.

In the same sense there will have to be a new distribution of allocations. In every allocation case we have to carry on a veritable fight to gain the rights of these victims. All governmental agencies try to determine allocations to business firms on the basis of 1938, forgetting that this procedure excludes the persons in our care, because they were at that time eliminated from business life. This problem requires particular attention.

We know that we have helped thousands of people to build new lives. But you cannot run a business merely with a foundation and a license. Therefore we have decided to register and license our Bavarian reconstruction activity as a society of public utility, in order to group in this society all the formerly persecuted tradesmen, craftsmen, and merchants. Thus they may make life

easier and may promote their businesses by mutual help. It also will be the task of this society to secure an active part in the administration of the properties of the concentration camps.

This is the only way to make the transition from aid to a real and practical indemnification. For more than two and a half years, jurists, financial experts, and representatives of the victims of Nazism have been trying to put this idea into practice. But, as mentioned above, until now we have only Law No. 75 (the Law of Special Funds), and the Law on the Restitution of Property meanwhile enacted by the Military Government, which represents the first step in a real legislation for indemnification.

#### PROPERTY REDEMPTION

This law, however, does not take care of all the difficulties involved in the individual instances of restitution. We have here the problem that under the threat of persecution for political or racial reasons, owners of property or businesses were driven into distress sales, which are now to be invalidated for purposes of restitution. This means that such a victim, under the new legislation, has a claim to restitution of his property if he returns, on his part, the money originally received in the distress sale. But since this Restitution of Property law is only the first step, the owner whose property is to be returned is hardly in position, in most cases, to procure the means for refunding the price originally received by him.

That is where my office comes in: first to see that the persons who have to return the property receive their compensation, and at the same time to place the victims in a position to secure the necessary money by credit, as a transition until the indemnification law takes effect. It is here, too, that the private

initiative of the mortgage banks and the private banks comes in, to provide, together with the State Commissioner, the necessary funds for redeeming the property.

A special problem is the returning of the property of emigrants and those who did not survive the terror regime of Hitler. It goes without saying that those who had to flee from Nazism have the same right to indemnification. Much tactfulness will be needed in this connection to separate the chaff from the wheat. While aiming to do justice to everybody, we must, on the other hand, prevent unjustified claims from sneaking in, for they might easily discredit the whole group of justified claimants.

Already while debating the legislation, the question of the estates of those murdered was the object of serious dis-

cussions. It is a matter of course that the state which succeeded to the disastrous inheritance of the Third Reich cannot be the heir of those murdered by its predecessor. On the other hand, especially Jewish circles have emphasized that they would not claim an inheritance which they would not have had under normal conditions. For this reason we would welcome a law providing for the assignment of the inheritance in favor of an international organization that would use the property of the unknown dead to procure a just indemnification to the victims of Nazism.

We ask repentance from the guilty and justice for the victims of Nazism. Germany can demand justice from the world only when it grants justice to those who for twelve years were without the protection of the law.

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# Criminal Law and Criminality in Germany of Today

By ADOLF SCHÖNKE

AFTER the capitulation of Germany, one question to be settled was which of the penal law provisions enacted after 1933 were to be repealed and which could be continued. It was obvious that the political statutes proper were untenable, e.g. the law against malicious attacks on State and Party and for the protection of party uniforms, or the penal provisions of the racial purity laws; these and a series of similar laws were expressly abrogated by Control Council Law No. 1, of April 20, 1945, on the repeal of National Socialist laws.<sup>1</sup>

## CRIMINAL LEGISLATION AFTER 1933

The situation in the field of general criminal law was not quite so clear. Many changes had occurred after 1933 in this field too, e.g. in legislation concerning habitual criminals, sex offenses, forgery of documents, etc. Here it was impossible merely to return to the provisions in force before 1933, for only a part of the later enactments were typically National Socialist. The National Socialists endeavored to prove their ability in the realm of legislation by completing as quickly as possible the reform of the criminal law which had been under way in Germany since 1909. They relied, therefore, more or less openly on earlier legislative projects, especially the 1927 project of a German Penal Code, and borrowed from this project provisions which resulted in a considerable improvement of the penal law. A significant part of the criminal legislation in Germany after 1933 is in conformity with foreign criminal law, imitates foreign models, or even copies them literally.

<sup>1</sup> Other laws of like nature were repealed by Control Council Law No. 55, of June 20, 1947.

The provisions on measures for security and reformation, inserted in the German Code in November 1933, are about the same as the corresponding provisions in various other European countries. The provisions against family desertion written into the German Penal Code in 1943 are related to the French statutes of February 7, 1924 and April 3, 1928 and corresponding regulations of the Swiss Penal Code. The 1941 revision of the law on murder and homicide almost literally copied Article 99 of the 1918 project for a Swiss Penal Code. In this way the laws and projects of foreign countries and the work of the International Criminalistic Association, the International Criminal Law and Penitentiary Commission, and other international scientific organizations in the field of criminal law have been reflected in German criminal legislation since 1933.

## ENACTMENTS OF THE CONTROL COUNCIL

In view of this evolution, the Control Council did not order a return to the penal code in force prior to 1933. It did abrogate, by a Law (No. 11) of January 30, 1946, a series of provisions, but it left the rest of that code in force in the form it had on May 8, 1945. Prominent among the provisions repealed were those introducing the principle of analogy in criminal law and those on the castration of dangerous sex offenders; quite a number of other provisions were also repealed.<sup>2</sup>

Since 1945, the Control Council has enacted relatively few provisions to be

<sup>2</sup> For details see Adolf Schönke, *Strafgesetzbuch Kommentar*, 3rd edition, München: Biederstein Verlag, 1947.

TABLE 1—CRIMES AND MISDEMEANORS AGAINST GERMAN LAWS: BRITISH ZONE

Month	Murder					Robbery and extortion				
	Adults		Juve- niles	Total cases		Adults		Juve- niles	Total cases	
	Male	Female		Total	For- eigners	Male	Female		Total	For- eigners
1946										
August	50	10	1	61	22	245	9	24	278	104
Sept.	23	9	—	32	11	234	6	14	254	113
Oct.	20	8	—	28	10	237	12	8	257	112
Nov.	37	6	5	48	21	247	5	17	269	84
Dec.	35	8	3	46	18	242	11	18	271	72
1947										
Jan.	26	5	3	34	11	275	10	31	316	74
Feb.	31	9	—	40	16	211	8	10	229	83
March	42	6	1	49	18	195	11	22	228	45
April	54	8	5	67	22	248	13	20	281	114
May	46	6	—	52	15	187	10	15	212	54
June	35	9	—	44	16	182	17	16	215	56
Month	Offenses against morals					Theft <sup>a</sup>				
1946										
August	275	49	25	349	33	19,942	5,686	4,142	29,770	515
Sept.	239	47	29	315	16	17,713	4,800	3,423	25,936	422
Oct.	240	33	17	290	16	16,528	4,530	2,985	24,043	357
Nov.	208	19	22	249	25	16,303	4,377	3,277	23,957	327
Dec.	177	20	16	213	12	16,358	4,482	3,238	24,078	371
1947										
Jan.	169	18	14	201	12	24,313	6,596	5,015	35,924	474
Feb.	142	21	16	179	5	29,383	10,779	8,970	49,132	294
March	181	23	9	213	7	5,069	575	742	6,386	235
April	200	32	23	255	1	5,715	498	770	6,983	240
May	224	43	37	304	2	5,103	462	671	6,236	198
June	258	38	32	328	5	4,908	485	697	6,090	129
Month	Other offenses					Total				
1946										
August	10,990	3,507	1,569	16,066	318	31,502	9,261	5,761	46,524	992
Sept.	11,525	3,463	1,314	16,302	268	29,734	8,325	4,780	42,839	830
Oct.	11,170	3,212	1,252	15,634	250	28,195	7,795	4,262	40,252	745
Nov.	10,886	3,255	1,373	15,514	230	27,681	7,662	4,694	40,037	687
Dec.	10,294	2,861	1,446	14,601	208	27,106	7,382	4,721	39,209	681
1947										
Jan.	9,765	3,057	1,455	14,277	294	34,548	9,686	6,518	50,752	865
Feb.	11,240	3,381	1,326	15,947	339	41,007	14,198	10,322	65,527	737
March	26,199	7,634	4,418	38,251	629	31,686	8,249	5,192	45,127	934
April	25,295	7,050	3,670	36,015	734	31,512	7,601	4,488	43,601	1,111
May	24,880	7,357	3,388	35,625	661	30,440	7,878	4,111	42,429	930
June	27,824	7,839	3,652	39,315	581	33,187	8,382	4,397	45,966	778

<sup>a</sup> Since March 1947 "simple theft" has been transferred to "other offenses."

TABLE 1—*Continued*CRIMES AND OTHER OFFENSES AGAINST LAWS OF THE MILITARY GOVERNMENT:  
BRITISH ZONE

Month	Illegal possession of		Riot and public breaches of the peace	Sabotage on Allied or German property	Offenses against		Other offenses	Total cases	
	Allied property	Arms and ammunition			Closing hours	Members of the Allied forces		Total	For-eigners
1946									
August	1,575	263	68	113	3,137	35	6,003	11,194	374
Sept.	1,602	185	27	12	2,562	21	6,041	10,450	337
Oct.	1,085	167	1	2	784	23	5,277	7,339	138
Nov.	1,151	175	—	15	67	18	3,239	4,665	205
Dec.	817	192	—	1	50	31	2,676	3,767	198
1947									
Jan.	796	189	—	6	53	25	2,369	3,438	226
Feb.	1,180	134	—	14	81	17	2,610	4,036	158

applied by German courts; I mention only Law No. 50, on "punishment for the theft and unlawful use of rationed foodstuffs, goods and rationing documents."

Besides the criminal law to be applied by German courts there are the provisions applied by the courts of the *occupying power*. The essential source of the substantive criminal law of the occupation is Decree No. 1 of the Military Government for Germany (Area of Control of the Commander in Chief) on Crimes and Offenses. This decree is applicable only in the three western zones. There are besides quite a number of other special criminal statutes, as well as penal provisions in nonpenal laws, but these we cannot discuss here. The decree just mentioned contains, e.g., punishments for armed aggressions against Allied forces, for espionage, and so forth. Of the greatest practical importance even now are the prohibitions of theft of Allied property and of illegal possession of weapons; the first-mentioned offense embraces, e.g., theft of fuel from a storage place, obtaining

foodstuffs by fraudulent statements, and similar actions.<sup>3</sup>

## CRIMINAL STATISTICS

For various reasons it is very difficult to get a bird's-eye view of criminality in present-day Germany. Criminal statistics for the whole of Germany do not exist for the moment; in the different zones and states usable data are found only fragmentarily. A complete picture can furthermore hardly be given, because quite a number of offenses, including the most serious ones, are adjudicated by the courts of the occupying powers; facts concerning the number and the character of these offenses can hardly be obtained. Nearly all offenses committed while armed with a dangerous weapon are adjudicated by the courts of the occupying powers, as well as all offenses committed by a subject of one of the United Nations. Therefore only a very incomplete picture can

<sup>3</sup> For details of this decree, see Neidhard, "Das Besatzungsstrafrecht," *Deutsche Rechtszeitschrift*, 1947, p. 20.

be drawn, especially of the gravest forms of criminality.

Criminal statistics for the British zone have been published and are here reproduced in Table 1.<sup>4</sup>

In the American zone we have criminal statistics for Bavaria and Württemberg-Baden.<sup>5</sup> In Bavaria in 1946 a total of 36,585 adults were sentenced, including 15,264 for theft; 1,703 for assault and battery; 1,493 for receiving stolen goods, etc.; 1,269 for forgery; 663 for slander; 492 for crimes and misdemeanors against life (298 of them for abortion and 136 for manslaughter by negligence); 426 for offenses against morals.

We will finally reproduce, in Table 2, statistics on crimes reported to the authorities in the police district of Ham-

burg. Here we can make a comparison with the corresponding figures for 1938, but it must be noted that in contrast to Bavarian statistics, the figures here represent not sentenced persons but reported offenses.

TABLE 2—OFFENSES REPORTED  
IN HAMBURG

	1947	1938
Offenses against the person	3,072	3,889
Offenses against property and others	130,044	19,084
Murder	32	53
Robbery	543	47
Aggravated theft	20,990	4,588
Simple theft	84,180	13,619

burg. Here we can make a comparison with the corresponding figures for 1938, but it must be noted that in contrast to Bavarian statistics, the figures here represent not sentenced persons but reported offenses.

Statistics furnish only a very partial picture of the present German criminality. To the causes of this incompleteness already mentioned we must add that the hidden criminality, i.e. the number of offenses not cleared up, is supposedly very high, so that statistics

#### INCREASE IN CRIME

In order to gain insight into criminality, statistics must be supplemented by other data, primarily press notices and the "wanted" notices of the police (*Fahndungsblätter*). Taking all these into consideration, we are forced to conclude that criminality in Germany has increased from 500 to 600 per cent compared with prewar years. In Württemberg-Baden the increase in the number of reports to be investigated by the police was 400 per cent in 1946.<sup>6</sup> We must keep in mind that in 1946, for reasons already mentioned, the number of unreported offenses probably was greater than now, and that the increase of reported crimes in big cities is considerably greater, as the Hamburg statistics show. We are told that in Ba-

<sup>4</sup> Taken from *Zentral-Justizblatt für die britische Zone*, 1947, p. 88.

<sup>5</sup> For Württemberg-Baden see the detailed report on criminality in 1946 in *Statistische Monatshefte Württemberg-Baden*, 1948, pp. 9 ff.

<sup>6</sup> In the first half of 1947 the offenses solved in Württemberg-Baden amounted to 56.7 per cent, in contrast to 65.5 per cent for the whole of Germany in 1937; see Hägele, "Die Polizeistatistik," *Kriminalistische Rundschau*, 1947, Heft 5, p. 15. In Bavaria, an average of 70 per cent of the committed offenses were solved; see *Bayerischer Staatsanzeiger* No. 9, Feb. 28, 1948.

<sup>7</sup> See Hägele, *loc. cit.*

varia, with an increase in population of about 38 per cent, criminality has increased to thirteen times the figure for 1932.<sup>8</sup> By and large, then, the figure of 500–600 per cent given above is correct for the whole of Germany compared with prewar times.

#### CHANGES IN CRIMINALITY<sup>9</sup>

##### *Theft*

1. Leading all offenses as to frequency is *theft*, simple as well as aggravated (especially burglary and theft of goods in transit). The increase in this offense is clearly shown in the thefts reported to the police of Hamburg. In Hamburg in 1938 there were 13,619 cases of simple theft reported; in 1947 there were 84,180. In 1938 in the same police district there were 4,588 reports of aggravated theft; in 1947 there were 20,990. Not only has the number of thefts increased, but there have also been changes in the *modus operandi* and in the composition of the group of offenders.

The object of a theft is usually something of value other than money. Food is first on the list, followed by any and all necessities of life and objects which can be easily traded on the black market, such as cameras, radio sets, light bulbs, telephone wire, or textile seat covers from railroad cars. The figures of thefts of fuel and building materials are rather high—objects which before the war were rarely stolen.

Burglary was almost the only form of aggravated theft which occurred before the war. Two other forms have now increased considerably, namely, theft of goods in transit and gang

thefts. During January 1948 alone, in the American zone there were reported 140 cases of theft from American railway cars and 4,174 cases involving German railway transports.

Thievery by gangs has become particularly widespread in connection with coal thefts, which have considerably increased in the Ruhr district and in the lignite region of central Germany. These gangs interfere with railroad signals or smear grease on the upgrade so that the overloaded locomotives cannot overcome such obstacles. When the trains stop, quite a crowd of men rush the train; often trucks stand ready to cart away the fuel. In the Ruhr district and in central Germany some trains loaded with coal have now and then lost several cars somewhere between the mine and their destination. In Berlin, gangs of coal thieves have made long iron poles with which, standing on bridges or the slopes of the right of way, they push open the locks of the freight cars, later collecting the briquettes which have fallen out. Several derailments of trains that followed behind such freights were found to be caused by heaps of coal between the rails and the switches.

It is especially in connection with thefts that the participating group has undergone changes. Theft has been committed by persons who never before had come into conflict with the law. In Hamburg, for instance, a prosecuting attorney (*Staatsanwalt*) and a preacher were arrested for stealing coal.

##### *Fraud*

2. Before the war, fraud was the second crime as to frequency, but it has now been outdistanced by other offenses. This is probably due primarily to the fact that money was the object of the fraud in many cases and that money is no longer so desirable. Receiving stolen goods now occupies the

<sup>8</sup> Ankermüller in *Bayerischer Staatsanzeiger* No. 9, Feb. 28, 1948.

<sup>9</sup> See Bader, "Das gegenwärtige Erscheinungsbild der deutschen Kriminalität," *Der Konstanzer Juristentag* (1947), p. 163; v. Hentig, "Die Kriminalität des Zusammenbruchs," *Schweizerische Zeitschrift für Strafrecht*, Bd. 62 (1947), p. 337.

second place among offenses against property. This is clearly shown for Bavaria and Württemberg-Baden by their criminal statistics; the same is probably true for other parts of Germany. Receiving stolen goods, a stimulus to theft, is at the same time one of the criminal offenses essential for the collective concept of the "black market."

To the ordinary forms of fraud have been added some new variations resulting from the unusual conditions of the present time. A very significant role is played by the traveling "transmitters of greetings." The offender learns from a notice in a newspaper or through some inquiries that a member of this or that family is still missing or is a prisoner of war. He calls on the family, telling them that he comes from the same camp where the prisoner is. He pretends to transmit the latter's greetings, and accepts in return both hospitality and gifts. The so-called "big-time transmitter of greetings" also explains that he has possibilities of liberating the prisoner or knows of ways and means of smuggling packages or messages to him. He thus acquires important gifts, consisting mostly of valuable objects.

In university towns, books have often become objects of fraud. Books are taken from the bookseller or bookbinder by third persons pretending to act for those who have ordered them; or someone appears in the rooming house of a student and asks the landlord for a certain book which the student, conveniently absent, wished to give him long ago.

### *Forgery*

3. Document forgery belongs in this category, too, although it is not a property offense. Criminologically speaking, it is partly an offense against property and it is also one of the offenses essential to the existence and the scope of the black market. One reason for

the increase in forgery is the rationing of foodstuffs and other articles; organized groups are solely occupied with the forgery of ration cards, special purchase cards, import licenses, and similar documents. The extent of these forgeries becomes evident from a statement published early in May 1948, that about 35 per cent of all ration coupons for meat and fat redeemed in Hesse turned out to be forged.

The second reason for the frequency of document forgeries partly rests on the division into zones, which aids attempts to secure a position, a divorce, or a denazification certificate in another zone on the basis of forged documents. Diplomas of graduation necessary for admission to a university, doctor's diplomas from the universities of Königsberg and Breslau, driver's licenses, interzonal passports, immigration permits, and identification cards are some of the papers which are often forged for the purposes mentioned above.

### *Black market offenses*

4. The offenses just mentioned are the backbone of the vague and shifting legal concept of the black market. Theft and embezzlement, receiving stolen goods, fraud, and document forgery nourish the black market. The specific black market offenses, i.e. offenses against regulations on consumption and similar provisions, constitute only a relatively small part of the offenses brought to court in Germany. Thus in Bavaria, where from January through September 1947 a total of 45,219 persons were sentenced by German courts, only 8,274 were guilty of offenses against provisions regulating consumption, especially illegal slaughtering and similar violations. The hidden criminality is especially great in this field. But the black market is the breeder of many of the common crimes. This becomes clear, for instance, if one



takes into consideration that on the black market of the western zones forged doctor's diplomas of the universities of Königsberg and Breslau were offered for RM 5,000, State Board certificates for RM 3,000, and documents proving that the bearer had been persecuted for political reasons for RM 3,000.<sup>10</sup>

### Robbery

5. Compared with offenses against property, the increase of *offenses of violence* is by and large not so important, with the exception of robbery. While in 1937 in all of the German Reich there were only 475 convictions for robbery and in 1938 only 502, we find that in Hamburg alone there were 543 robberies reported in 1947; in 1938 there were only 47 reported robberies in Hamburg. All told, robbery in Germany as a whole is no doubt ten times as frequent as before the war. It is mostly committed by gangs with a considerable foreign membership. In the large wrecked cities the victim is lured into out-of-the-way ruins and there robbed. Armed gangs often undertake raids in the rural areas. The part played by foreigners in these offenses is especially high in northern Germany and Bavaria. Among the 117 cases of robbery solved in Hamburg in 1947, foreigners were the offenders in 89 cases.

### JUVENILE DELINQUENCY

The future outlook on criminality is very much threatened by the great number of neglected and delinquent juveniles.<sup>11</sup>

There are no data on juvenile delinquency in Germany as a whole. The partial data obtainable are very contradictory. We have figures for Bavaria showing a relatively small increase in juvenile delinquency. In 1937 there were 3,800 juveniles sentenced in that province; in 1946 there were about 4,500. Another picture is shown in the police statistics of Hamburg. Among the cleared cases of aggravated theft there were 55 juveniles among the offenders in 1938, but in 1947 their number had risen to 806; among the simple thefts cleared in 1938 were 393 juveniles; but in 1947 there were 7,920. From Lower Saxony comes the news that there are 10,000 juveniles between 14 and 18 years of age orphaned, without shelter or work, making a living through the black market, by begging, or by theft.

It is to be hoped that with the improvement of economic conditions the number of juvenile delinquents will decrease considerably.

The burden on the future is also made heavier by the fact that many children are threatened by neglect to a higher degree because they have lost their fathers. In the kindergartens of Munich 35 per cent of the children have no father; for all of Germany the number of such children is estimated at 3 million.<sup>12</sup> The connection between the lack of a father and criminality becomes evident when one learns that one-fifth of the children sentenced in Württemberg in 1946 were fatherless.<sup>13</sup>

<sup>11</sup> See Peters, *Erscheinungsformen und Ursachen der Jugendverwahrlosung und Jugendkriminalität*, 1947.

<sup>12</sup> *Neue Zeitung*, Feb. 8, 1948.

<sup>13</sup> *Statistische Monatshefte Württemberg-Baden*, 1948, p. 16.

<sup>10</sup> Jüttner, in *Kriminalistische Rundschau*, 1947, Heft 8, p. 10.

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# Religion in Germany

By HELMUT THIELICKE

IN WRITING about the present religious situation in Germany the report cannot be limited to the churches and the Christian societies. The people outside the official religious communities are in a "religious situation" too, even if they are atheists or nihilists, for they have become so either by making a religious decision of a negative character or by taking over this negative character, or "fall from grace," from their environment. Most people in Germany lead lives more or less remote from the churches. It therefore is natural to begin by casting a glance at this non-church sphere. Since the author, in connection with his published writings, has had lively spiritual and religious contacts with German youth on the periphery of, or even outside, the churches, he may be excused for relying largely on his own knowledge.

## TENUOUS BOND OF THE CHURCH

This or that American reader who has some knowledge of German conditions may be astonished to hear that most Germans have little to do with the church; for, while in America not quite 50 per cent of the population belong to a church organization, German statistics tell us that about 95 per cent of the German population are church members. This high percentage may seem astounding, considering the propaganda by the left-wing parties before 1933 aiming at withdrawal from the churches, and considering the wholesale, brutal, and at the same time psychologically clever attack of the Nazis after 1933.

In view of these severe tests it is indeed astonishing to what extent most people, including the working classes, re-

mained loyal to their church and to what extent the church was used for baptisms, confirmations, weddings, and funerals. But the average church attendance is deeply disillusioning. I believe that only 2 to 10 per cent of the church members attend services. Some districts are more faithful to their church, and therefore show a higher percentage; but in others a crass paganism reigns, and we find people who do not know who Christ was and what the Bible is.

However, even in districts indifferent toward the church, relationships are not completely severed. One still has recourse to the church services. People may be deaf to its message, but the church still is a symbol of sacredness to them. They seem to have a dim feeling that the world would crumble if it were deprived of holy things and all bonds with the church. In the depths of their souls most of them sense the connection between the general external and internal decay, the moral chaos and their basic nihilistic approach.

After the collapse, and partly even during the time of the catastrophic bomb war, the masses returned to the churches, or at least into the membership lists. In 1945 church attendance grew temporarily like an avalanche. When the complete vacuum of the soul had become manifest, after the breakdown of all concepts of order and after hearing of all the moral atrocities connected with it, many persons were seized by a kind of religious panic that caused them to seek the always stable foundations of the church. They realized that they had lost everything sacred and with it the solid ground under their

feet, and they longed for both. But, like all panics, this was a transitory phenomenon, to be compared with a shock effect, that aroused people from the indifferent *laissez faire* of a humdrum, everyday life and like a flash lighted up the desolate dried lava beds of a nihilistic plain of life.

This shock has long since been replaced by other similar effects: by the many experiences after the occupation, by hunger and the breath-taking labor of securing the most primitive necessities of life.

#### NAZI SUBSTITUTE FOR RELIGION

If we are to draw a clearer picture of the religious situation outside the churches we must speak about National Socialism, not only because National Socialism was nihilistic in itself but because it set itself the task of molding the nihilistic spirit of the uprooted masses and making it historically productive, and furthermore because the problem of National Socialism determines the spiritual and religious situation, particularly of the youth, even today. In National Socialism one sees concentrated, like the picture in a concave mirror, the spirit of the age, as it ruled and rules in Germany, and perhaps not in Germany alone.

Disregarding the nationalistic, purely political motives of this movement, which do not concern us here, we find the inner structure of National Socialism determined by a single problem: how to give a chaotic, formless, and aimless mass a form and organization. This need for shaping is symbolically expressed in the love for the uniform, which is, so to speak, a visible element of integration. By sticking people in uniform it was hoped to get them "in form" through the suggestion of similarities. Religion, too, soon had to play its part to reach this end. Cohesive

means had to be found which would help to prepare the masses to be organized and molded. A people cannot forever sit on bayonets; it must be welded by conviction, hence the great influence of propaganda.

The use of Christianity as such an ideological cement was undoubtedly discussed, but the idea was dropped for a very realistic reason: the church no longer controlled the masses. After seriously considering the possibility of making the churches a political instrument for molding the masses, and even constructing an ideological bridgehead within the church through the movement "German Christians" (*Deutsche Christen*), these experiments were soon abandoned, and National Socialism tried its own creative capacities in the field of religion.

Having no historically evolved religion available, a substitute was formed. It was called *Weltanschauung*, or *Mythos* (myth), after the well-known book by Rosenberg, *Der Mythos des zwanzigsten Jahrhunderts* (The Myth of the Twentieth Century). No revelation, nor even a personal religious experience, but a problem presided at the birth of this substitute religion, namely, the question of how to procure an ideological cement for a crumbling mass, how to stimulate and mobilize the stable elements of the mind, the feeling for things holy, the metaphysical, and the deeper experiences of life.

This motive is very like the one attributed to a Prussian king: "Religion must be preserved for the people," precisely because a religious people is easier to rule. This is pragmatism in disguise.

Thus two different classes of people were formed: first, naïve people who were fooled, i.e. did not realize the purpose and accepted this *ersatz* religion in good faith as a revelation; second, those who were "in the know," the intellectuals. They were complete nihilists,

who realized that the masses had to be given something to believe in.

At present Germany is at a stage which, like a second act, is logically attached to this inner structure of the Third Reich. Both the above classes have developed further in the following way. Owing to the collapse, the first class of the originally faithful and naïve ones have become aware of the emptiness of the "Myth" idea and are saying that they have been duped and soft-soaped. This means that these people suddenly find themselves in the same position as the one-time intellectual nihilists—the ground has dropped from under their feet. Even the distorted remnants of a Christian religion that still rattled in their heads, such as the idea of a "just" or a "loving" God, broke down because they saw no evidence of such love or justice during the horrible catastrophe of the night-bombing or what followed.

#### PRESENT TENDENCIES OF NIHILISTS

The second class, the intellectual nihilists, have split into two branches: one grows out of a naïve, more destructive and negative nihilism that has lost all faith, and seeks to arrive at a definite concept of this nihilism, such as is offered for instance by existentialism. It is characteristic of the present religious situation in Germany that the plays of Jean Paul Satre and Anouilh are among the most discussed, and belong to the really authentic literary phenomena, especially among the youth. (Parallel observations in other countries indicate that Germany is actually only a sample of the world's intellectual situation, and that the extreme developments of all these phenomena in Germany mirror the experiences of the world in a concentrated form.)

Equally characteristic is the fact that the leading German existentialist Martin Heidegger, though strongly tainted by his political past and deprived of his

academic post, is still the representative prophet of "nothingness" for large intellectual circles. That his later works, far less known than his great work *Sein und Zeit* (Being and Time), partially go beyond this, is of no importance in this connection.

Youth, in particular, seems to recognize its own feeling of existence in this philosophy. This youth—more innocent than guilty—that stands on the ruins, that seems to be burdened by a terrifying past, with the rubble of the large cities constantly before its eyes, feeling duped by the adult generation, yet remains astoundingly aloof from politics and is seemingly still the captive of terror. In all its hopelessness, this youth at least feels in this philosophy the impulse to an adventurous and daring life and the message of a freedom that wants to shed all bonds—those that bind it to the past as well as those that bind it to God and "other out-of-date" authorities.

So we find that while one group of the intellectual nihilists have pushed forward into the region of philosophical reflection, another group has become tired of nihilism and is longing for the old traditional bonds. One gains the impression that man can only for a limited time stand real nihilism, which proudly renounces all false ties and all *ersatz* religion. The loneliness in the crater landscape of the moon is in the long run too depressing.

The return of outstanding intellectual nihilists to the church, or perhaps rather to Christianity, has gone far beyond mere exceptions, though the occasionally heard talk of a religious revival among the German intelligentsia is altogether naïve.

Characteristic of the return of former nihilists to Christian ways of life is, for instance, the changed viewpoint of Ernst Jünger, a writer highly esteemed by students in particular. His religious

comeback shows a unique variation in form: it extends from the revival of a personal and conscious Christian faith to the pragmatic thesis that the Christian Occident must be reconstructed, because basically the loss of Christianity caused Germany's misery, and because a marriage between the Occident and the church of Christ could not be dissolved. On the basis of such beliefs the church is hailed as a carrier of this tradition, and people from these intellectual groups who formerly ridiculed church weddings and baptisms are again using these church services.

#### AMONG THE YOUTH

We may observe this "back to the church" movement more distinctly and maybe more meaningfully in the educated youth. A few decades ago it was the lower middle class who supported the church. The Young Men's Christian Association movement clearly expressed this fact. But now the emphasis in church work has changed its center of gravity to the young intelligentsia. This is not the result of any conscious planning, but simply because an extremely strong religious problem has developed among this group.

This must be understood literally: there has been no religious revival wave that so many people hoped for as the fruit of the days of terror. It is a movement of "questioning." The work among the advanced students has grown considerably, while our work among the working youth has diminished, which may be partly due to the enormous increase in repair jobs which demands the workman's full time.

The tendency manifests itself clearly in the growth of the students' associations at the institutions of higher learning. Under the pressure of National Socialism these students' associations that had replaced the prohibited student "Bunds" had but few members. They

grew extraordinarily, however, during the last two years of the war. And they keep on growing. Here in Tübingen we figure that about a third of the whole student body this semester will have at least a superficial connection with the Protestant Student Associations. The nuclear membership is smaller.

Considering that the Catholic Association is of great influence too, we find a degree of religious demand which is quite unusual when compared with earlier times. Besides, reports from various universities agree that the public lectures, i.e. those scheduled for all the departments, that treat religious or religious-philosophical subjects draw overwhelmingly large audiences.

#### ANTHROPOSOPHY

In connection with this religious situation of the intelligentsia we must also mention the strong growth of the anthroposophical movement of Rudolf Steiner and the Christian societies closely connected with it. At present there is probably no large city in Germany, and certainly no university town, that does not have numerous well-attended lectures about this movement.

In my opinion there are two features of anthroposophy that attract the intellectuals. The first is its promise and attempt to construct a "world view" on a religious-metaphysical basis including all spheres of human life and eliminating the conflict between science and faith. Anthroposophy is also active in a variety of fields of science: medicine, pedagogy, biology. Its broad views meet the need of the educated people in Germany to achieve once again an orderly and meaningful over-all view and overcome the lack of orientation which resulted from the extreme division into separate specialized disciplines. Anyone who today complains of the impotency and the bankruptcy of specialization will always find an audience

and followers. Anthroposophy counts some high-caliber scientists among its followers, and they often know how to give Steiner's ideas a striking scientific garb.

The second motive that often drives the intellectuals into the arms of this gnostic-meditative movement is probably discouragement over the lack of sense in the life of this world and the positive contrast to this discouragement, namely, a longing for the "Knowledge of Higher Worlds" (the title of one of Steiner's chief works). Thus anthroposophy not only attempts through occult revelations to give an exhausted mankind an escape from a disconsolate existence on earth, but it seeks to arm mankind against it, especially through exercises in meditation, which it teaches to believers. The goal of these exercises is the occult understanding of the "higher worlds." This can be reached only with the aid of a systematic training which creates an internal counterweight to the enormous pressures of the external life and its intensive stimuli, thus counteracting the centrifugal tendencies of modern life by concentration.

This is also one of the essential reasons why many people who feel a depressing vertigo threatening them from the mad rush of modern life are searching for shelter not only in anthroposophy but in any movement which seems capable of offering them an anchorage midst the seething floods of events.

### THE SECTS

In looking at anthroposophy and the Christian life we have already turned to a domain in the border between Christian and non-Christian areas. We might profitably spend yet a moment in this borderland, because this is the special zone where world-weariness, fear of living, and similar crisis manifestations of a tospy-turvy world tend to settle. Witness the flourishing sects. In times of

crisis sects multiply. This is also happening in Germany today.

Usually two motives cause people to turn to the sects. First there is the hope of finding an intimate circle of friends in the relatively small group of cobelievers, thus escaping the deadly loneliness which strangely enough progresses as the group grows larger and which stamps the solipsistic tendency of existentialism. Many serious observers therefore believe that the surprising decline of the sects during the Nazi regime—at least among Protestants—may have been due to the fact that the closely knit groups of the Confessing Church produced a large measure of group feeling and therefore competed with the sects.

The second reason which drives people into the sects is probably their widespread apocalyptic tendency to look for the end of the world. This offers a chance of escape from an excruciating existence, not only *upwards* (for instance, through anthroposophic attempts at spiritualism and meditation or—and this is quite another story—through definitely ecstatic religious movements like pentecostalism) but also *forward*, in a romantic wait for the last day of judgment and the peace of the millennium. When a sect, like Jehovah's Witnesses, for instance, not only satisfies this longing but also seems to possess the key to the riddle of the universe in a way easily accessible to the masses, and, finally, can point to a courageous and consistent course during the Third Reich, one hallowed by the blood of many martyrs, such a sect may be sure of strong support in large circles. This is why Jehovah's Witnesses, next to the anthroposophists, are the most common and, in some cities, the most rapidly growing denomination outside the established churches.

It is not worth while to enumerate the multitude of sects. Their actual ap-

pearance is like the sanddrift, quickly blown together and as quickly blown away. It is enough to say that it is always the same motives, described above, that reappear in them. So far as I can judge, Indian and Buddhistic influences, which had a strong appeal for the intellectuals after the First World War because they fitted the general lethargy of life, are much less prominent in the religious picture of today. It seems as if the German youth still possess enough potential energy and eagerness for life to make them immune to a certain degree when exposed to ideological fatigue phenomena.

#### THE BARTHIAN THEOLOGY

If we now turn to the domain of the church in a more narrow sense, the picture is much simpler and clearer, among both Protestants and Catholics.

We cannot speak on Protestant faith without emphasizing its particular structural hallmarks, namely, the movement of concentration of Protestant theology since the First World War, as initiated by Karl Barth and Emil Brunner. While the theology of the late nineteenth century and the first two decades of the twentieth century aimed chiefly to bring about a truce with the modern world, in particular with historical and scientific development, and therefore aimed at a synthesis of revelation and science, Barth, in his famous commentary on the Epistle to the Romans in the early 1920's, proclaimed the absolute distinction between time and eternity, between Christian revelation and religion. This movement resulted in a strong unification of a theology which had been scattered by a thousand attempts at synthesis, in a reconsideration of the essence of theological fact and in a return to the center of force represented by the teachings of the Bible and the Reformers.

Greatly aided by this very militant, very consistent and substantial theology,

which found support among theologians and churchmen of high rank, the Confessing Church offered its resistance to the Third Reich. Since the Confessing Church even now, i.e. after the collapse of the Third Reich, knows that it is the backbone and the chief movement within the Protestantism of Germany, its dominant theology becomes, as a result of this claim, the focal point of repeated discussions.

#### INEFFECTIVE FOR WORLD BETTERMENT

Actually, this new theology shows a certain helplessness in the face of the new and totally changed situation. During the Third Reich, and even earlier, it was a pronounced movement of concentration and led the church in a significant and imposing way into the ghetto and the catacombs. It is not able to guide the present return of the church into the world and particularly into the work for world betterment through social, political, and cultural tasks. This theology cultivates a dialogue of the church with itself, and has, especially among the parish ministers, passionate representatives, small in number but remarkable for their standing and their martial spirit. But they do not succeed in reaching the wide world of Christianity and becoming effective in the realm of public ethics.

Barth did pass through daring and adventurous metamorphoses which seemed to allow him to supply a certain guidance, based on theology, to Christians in the *world*, particularly in the *political* world. But these efforts of his appear somewhat posthumous and epilogical; at any rate, they do not show anything like the power of penetration of the period of the commentary on the Epistle to the Romans. The main importance of this theologian lies in the display of a gigantic system of dogma which for this very reason is read only in an esoteric circle. And even though his

name—far beyond the narrow circle of his adherents—has the effect of a trumpet blast throughout Germany, this public prestige cannot be attributed to his theology, but to his political attitude toward German catastrophe and toward German history as a whole. This attitude caused great excitement both for and against.

The younger generation of theologians, whose leading representatives have at least passed through the phase of Barth's theology and owe much to it, is trying to break away from the ghetto and attack public problems. The wide-reaching ethical ideas of Emil Brunner are again being studied with a new interest, not only in theological circles but particularly by the educated classes. The study and analysis of Brunner, which is so urgently needed, is limited only by the difficulty of getting his books in Germany.

#### THE QUESTION OF GERMAN GUILT

The Confessing Church shares in this theological crisis of Barthianism to a certain degree, having been strongly connected with it from the beginning.

It adopted, for instance, extensively, not officially, Barth's radical position in respect to the question of German guilt, and thus aroused strong opposition, not only in the nationalistic camps. Martin Niemöller, who after the collapse was the leading propagandist of Barth's ideas, has been criticized for the same reasons.

From this it must not be understood that the thesis of German guilt is generally and completely rejected. The academic youth especially have striven hard to clarify the issue without nationalistic prejudices, and it goes without saying that outside the Christian groups serious and responsible people, at least, are deeply concerned about the guilt of the Nazi regime and therefore

to a certain extent of Germany itself.

But Barth's and Niemöller's unqualified acceptance of guilt is rejected. Theological circles also reject the refusal of both of them to differentiate, and, for instance, even mention the possible guilt of others. Most of all they are criticized for not being disposed to differentiate between what a Christian has to confess as his guilt before God, and what a nation as a whole has to confess as its guilt before the history of mankind.

The unfortunate start given to the religious treatment of this guilt problem threatens to lead to increased resistance and a dangerous self-righteousness. What we could rightly criticize in the Nuremberg trials promotes this inner resistance. But the treatment of the guilt problem, important as it is as a religious symptom in Germany, is so complicated that I am afraid of being misunderstood when I discuss it in such a limited space. Following a sermon of the author on this subject (published under the title "The Guilt of the Others," Göttingen, 1948) he received about 600 letters from all sections of the German population. These letters are not only a symptom of the stirring power of this political-religious theme, but are useful also in an analysis of the religious situation as a whole.

#### LUTHERANISM VERSUS CALVINISM

Another regrettable crisis had arisen in the following way. Although the Confessing Church includes representatives of all Protestant denominations, and though this unity of faith was clearly expressed in the famous Barmen Theological Declaration of 1934 with its definite rejection of the National Socialistic world view, strong Calvinistic traits are appearing in the Confessing Church in connection with Barth's Swiss Reformed theology. This phe-



nomenon has tested the mettle of the German Lutheran Church and led to independent movements, especially since the collapse.

Though this historical reaction is understandable, the form it is taking is regrettable. With the exception of a few bishops like Hanns Meiser, the German Lutheran Church played a rather passive part under the Nazis. It was unfortunately not as steadfast against National Socialist ideology as would have been desirable. The reason was primarily its doctrine that "the powers that be are ordained of God"—a doctrine which does not have the mature form which it has in the Lutheran theology of the Scandinavian countries. To a certain extent German Lutheranism still lived in the historical era of the Reformation, with its doctrine of the Christian ruler. Confronted with a pagan and unjust state having apocalyptic qualities, it felt helpless theologically and incapable of tactical maneuvers in practice.

One cannot completely escape the impression that the vigorous activation of German Lutheranism since the collapse even now lacks a certain maturity and clarity of political and cultural ethics and therefore is marked by strong formalism and rigidity. This is most clearly demonstrated by the fact that its activity chiefly revealed itself in organizational planning, namely the foundation of a Lutheran Great Church among the Protestants of Germany. It has also re-emphasized, often in an old-fashioned way which ignores the historical hour of the Barmen Declaration, the ancient doctrinal differences between Lutheranism and Calvinism, without quite succeeding in making these very important differences significant today. The church membership stands helpless and has little interest in these esoteric topics debated by a relatively small group of theologians and church leaders.

#### CENTERS OF PROTESTANT STRENGTH

The most virile forces in the present Protestant church in Germany cannot be found here, however, but where a vital faith is proclaimed—particularly in the student groups—and where vital theological work is done, especially by the younger generations, which actually keeps fairly far away from the debates mentioned.

In discussing centers of religious life we should not forget the many groups of those returned from prisoner-of-war camps who came to know an active religious group there. The Ecumenical Council of Geneva has earned the undying gratitude of wide circles of German youth by taking the religious groups within these camps under its wings and providing them with religious literature and lessons for study.

But if I were asked what I regard as the vital focus of Protestantism in Germany today, I would reply, the so-called Evangelical Academies. The idea behind them originated during the last years of the war. It did not just suddenly occur; it was in the air, and in planning the academies we were strongly stimulated by certain forms of religious effort that had been reported to us from America, especially through Adolf Keller's book *American Christianity of Today* (Zurich, 1943).

We started from the idea that in the first place we should interest men in connection with their occupation. So we tried to have weekly meetings for lawyers, physicians, teachers, farmers, workmen, and others, in order to relate the message of Christianity to the main interest of the man's world. In this way we aimed to have the church really break into public life, and to free it from immersion in its private world. The success was overwhelming. The first academy was established at Boll in Württemberg, and entrusted to the very

energetic Dr. Eberhard Müller. Up to 180 persons from different occupational groups are invited to participate in conferences, which last one week. The attendance and the applications for membership are far greater than the space available.

Similar academies have rapidly come into existence in all German states in the western zone and now also in the east. Recently a research association within the academy's framework has been formed by leading scholars from all fields, who work through numerous committees and hold two annual meetings. They publish a series of scientific papers (*Forschungen der Evangelischen Akademie*, edited by Helmut Thielicke).

#### CATHOLIC POINTS OF APPEAL

The Catholic church enjoys a strong inner vitality and is respected for the lucidity and the steadfastness of its way as well as for its impressive internal and external power, and it attracts many converts from the circle of the intellectuals. We find different motives for these conversions. Disregarding "accidental" motives, the following stand forth, in my opinion:

1. The totality of life is embraced by the church and marked by its festivals; therefore, it provides a longed-for security and a certain compass for life.

2. The structure of Catholic theology attracts especially the intellectual, for it tries to harmonize the natural with the supernatural, just as it tries to harmonize the different fields of life and culture with one another and with the faith (*analogia entis*), thus making the entire world mechanism visible. This contains a great attractive force in a time of ideological and material ruin.

3. The general inner helplessness expresses itself in a strong need for authority, the same need which in recent German history was consciously culti-

vated in the worldly sphere. Here, too, the need is met by the strong doctrinal and leadership authority of Catholicism.

4. People are tired of relativism and long for absolute values, yes, for "dogma." What formerly would have repulsed the intellectual in this respect attracts him today. The objectivity of Catholic liturgy, free from all subjectivism and relativism, meets the needs of men in danger of shipwreck. The dominant character of this particular motive is obvious in the prominent liturgical strivings within the Protestant church. Even though many critics may be right when they see in these efforts of some Protestant circles a kind of escape from concrete actions into mystification or even an urge toward esthetic play, there is a genuine motive too, namely a desire to overcome the individualistic, rationalistic threat of a mere word-and-sermon church and penetrate to objective fundamentals. In this regard the definite and grandiose wealth of liturgy in the Catholic church is appreciated in wide Protestant circles—especially in its enviable contrast to the fumbling, playful, sometimes occult experimentalism within the Protestant church. Here we should mention particularly the liturgical movements of Berneuch and Alpirsbach.

#### CATHOLIC AND PROTESTANT RELATIONSHIPS

The Catholic church has, especially at the present time, adopted many Protestant themes. For instance, it has for some time been fostering the knowledge of the Scriptures, made available in good translations. One may even speak of it as a Catholic Bible movement. There is also an effort to prevent liturgical exercises from being looked upon as crass magic. Their deeper meaning, and especially the meaning of the sacred words, is made intelligible, so that the audience may have spiritual profit from it. (Missals and masses in German.)

The extraordinary and fruitful activity of the Catholic church finally acquires a certain superiority over the Protestant church, simply because the Catholic clergy—even without counting the large reserve army of the monastic orders—is relatively much larger than the Protestant clergy.

This numerical disproportion has increased considerably because, according to the Concordat, Catholic priests could not be drafted. The Protestant clergy was not protected in this manner, and suffered extraordinarily heavy losses. For instance, out of 1,400 ministers of the State Church of Württemberg, including theological students who would now be pastors, about 400 were killed in action or reported missing under circumstances which make it necessary to consider them dead.

The Confessing Church, like that in East Prussia, was particularly hard hit by these losses. That church was illegal; its young ministers were not therefore acknowledged by the state and so had no protecting church authority that could have asked for their deferment. Of the young ministers of the Confessing Church in East Prussia, up to 90 per cent were drafted, and they fell in correspondingly large numbers.

From what has been said it becomes clear that the two large churches of the present time keep an attentive eye on each other and try to learn from each other. Their relationship is essentially free from polemics because of the common struggle during the time of the persecution. Therefore it is understandable that they aim to make this nearness organizationally concrete in the so-called "Una Sancta Movement." Catholic and Protestant Christians, among them clergymen of both the churches, meet at numerous conferences, where they stress common interests and cultivate social relationships, in the spirit of the common Master and with the prayer

that the single Shepherd might also have a single flock. It should be mentioned, parenthetically, that as the Una Sancta Movement grows older deep differences make themselves felt, which make the future of this attempt at unity problematical. But its point of departure and the honesty of its effort are surely commendable.

#### PROBLEMS PECULIAR TO GERMANY

So far I have emphasized the determining motives and the internal relationships in the religious life of present-day Germany. This is perhaps the only way to make it possible for the American reader to compare the situation with that of his own country and of other countries. But I should like to mention also some situations which cannot be compared, but which deeply influence the religious life:

1. Innumerable churches have been destroyed. We have large cities in which scarcely a church building has been preserved. The purely technical problem of holding a divine service is nearly unsolvable.

2. The expulsion of millions of Germans from the east and compressing of them into the largely destroyed remainder of Germany creates indescribable and incomparable social and religious problems. The overcrowding of cellars, ruins, bunkers, and caves produces mental apathy, complete despair, moral degeneration, and a dissolution of all order.

3. In contrast to the liberty the churches enjoy in the zones of the American, British, and French occupation, we find a growing suppression of the church in the eastern zone. This expresses itself especially in connection with the work with the youth, but is even more noticeable indirectly in a general paralyzing fear, an equally general

distrust, and an atmosphere of hypocrisy and deceit which undermines morality.

4. The indescribable economic conditions, with their black market and profiteers, produce a social behavior and forms of demoralization which confront the church work with new tasks. It does not seem humanly possible to discharge these tasks until the most elementary external provisions for living are restored (food, clothing, housing, employment).

#### THE BRIGHT SIDE

With reference to these "incomparable" aspects of distress I wish in conclusion to call attention to two phenomena which appear like bright lights against a dark background:

1. Both churches are courageously fighting this distress through their two great organizations, the Evangelical Relief Society and Caritas. They furnish emergency aid which demonstrates that their message does not consist of words alone but of deeds too.

2. In connection with this relief both churches have experienced the fraternal help of their foreign coreligionists, especially in America and Switzerland, to an overwhelming extent. The German people will never forget that the first brotherly and helping hands held out to them in their need, and animated by heartfelt sentiments rather than by damaging condescension, were the hands of Christians. This constituted an unforgettable and gripping testimony to the power of the Christian faith to conquer hate and worldliness.

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# The Universities\*

By WALTER HALLSTEIN

WHEN the Nazi domination broke down and with it the German Reich in 1945, there were within the pre-war boundaries of Germany 23 universities,<sup>1</sup> a Medical Academy (Düsseldorf), 11 institutes of technology,<sup>2</sup> an independent college of veterinary medicine<sup>3</sup> besides the veterinary faculties of the universities, two independent schools of mines,<sup>4</sup> a School of Forestry,<sup>5</sup> three independent agricultural schools,<sup>6</sup> and five independent schools of commerce.<sup>7</sup> All of them enjoyed good reputations, and most of them, especially the universities, could look back on a long and glorious past.

\* The word "university," in the title and in the text, covers all kinds of institutions of higher learning. To translate the word *Hochschule*, which means any school of the rank of a university or college, the English word "university" has likewise been used.—TRANSLATOR.

<sup>1</sup> Heidelberg (1385), Cologne (1388), Leipzig (1409), Rostock (1419), Greifswald (1456), Freiburg (1460), Tübingen (1477), Marburg (1527), Königsberg (1544), Jena (1558), Würzburg (1582), Giessen (1607), Kiel (1665), Halle (1694), Breslau (1702), Göttingen (1737), Erlangen (1743), Münster (1773), Bonn (1786), Berlin (1809), Munich (1826), Frankfurt (1914), Hamburg (1919). Some of them, it is true, have existed only with longer or shorter interruptions.

<sup>2</sup> Brought to their present form in the 1860's and 1870's, they were founded: Brunswick (1745), Berlin (1799), Karlsruhe (1825), Dresden (1828), Stuttgart (1829), Hanover (1831), Darmstadt (1836), Munich (1868), Aachen (1870), Danzig (1904), Breslau (1910).

<sup>3</sup> In Hanover, raised to the rank of a university in 1887.

<sup>4</sup> Clausthal (1775) and Freiberg in Saxony (1765).

<sup>5</sup> Eberswalde (former Berlin, 1821).

<sup>6</sup> Bonn-Poppelsdorf (1846, 1861), Hohenheim (1818), Weißenstephan (1803).

<sup>7</sup> Berlin (1906), Königsberg (1915), Leipzig (1898), Mannheim (1908), Nuremberg (1920).

## CHARACTERISTICS

The character of German institutions of higher learning is determined by the universities in the narrower sense of this word: the basic idea of the latter, their organization, their methods, furnish the model for the institutions with a more restricted specialization.

The characteristic traits were impressed on the universities during their long history, which is intimately interwoven with the cultural history of all Europe. From the Middle Ages they retained the division into four classical faculties that originated in Paris: Theology, Law, Medicine, and Liberal Arts (from which the philosophical faculty stems). The Middle Ages also furnished the idea of the *studium generale*: the university should be open to all without regard to nationality; its degrees should be recognized in the whole Western world (Papal privilege of 1233); it should be organized in the form of a corporation, a union of the teachers of the four faculties.

The decay of the universalism of the Middle Ages and the rise of territorial powers and of confessionalism unfortunately gave the universities the character of territorial institutions and imposed a lasting control on them by the sovereign. Yet it failed to destroy the consciousness of academic freedom (and freedom of study, *Lernfreiheit*) and its organized expression, and could not for long interrupt the international character of scientific activity. This ancient concept of the university experienced a magnificent revival at the beginning of the nineteenth century, when out of the concept of science formed by the specu-

lative German philosophy the idea of unity of research and teaching was made the foundation of the university.<sup>8</sup> The university was nourished by this idea, and even Nazism has not been able really to shatter it, despite the external danger, which brought about the partial restriction of autonomy; and without underrating its internal dangers, chief of which was the seduction of the academic youth.

From the standpoint of the educational system in general, the sharp separation of the university from the lower schools is an important result of historical evolution and characteristic of Germany. Freedom of study (*Lernfreiheit*) is also an expression of the fact that research and teaching are one at the university, and not just the formal sum of two tasks. The professor does research while teaching, i.e. he does not merely transmit traditional stuff in his lectures, but offers material of his own; and he teaches in doing research, i.e. he lets the student participate in the process of discovery. Concretely, only graduate schools are found in the German university.

#### EFFECTS OF THE WAR

With the end of the Second World War some of the most respected German universities disappeared: Königsberg (the University and the School of Commerce) through the loss of East Prussia to Russia; and Breslau (the University and the Institute of Technology) and Danzig (Institute of Technology) through the Polish administration. The University of Giessen was reduced to a college of agriculture and veterinary medicine for reasons of economy. The Agricultural College in Bonn and the Schools of Commerce in Berlin and Leipzig were merged with the local uni-

versities. On the other hand, the University of Mainz, founded in 1447 and closed by the French invasion of 1797, was reconstituted in 1946 at the instance of the French Military Government. The Bavarian State Colleges of Philosophy and Theology at Bamberg, Dillingen, Freising, and Regensburg, for the academic education of the clergy but not authorized to confer degrees, were revived.

The remaining universities have suffered heavily from the effects of the war. The destruction of university buildings, research institutes, libraries, and instruments is exceedingly great; in many places and many faculties it is almost complete. The teaching staffs of the universities have been reduced through war casualties. Only their continued financing has not been difficult—if one understands by this the appropriated funds with which one can buy little, but which are accepted by professors, assistants, and employees as salary. German universities are customarily supported by public funds, almost entirely derived from the state; because of a Draconian system of taxation introduced by the Allied Control Council, the public treasuries abounded with money.

Under these circumstances the universities everywhere in Germany were reopened in the year following the end of the war. The British and American authorities brought with them detailed regulations concerning the methods to be applied to achieve this end. Nowhere did this "opening" mean the prompt and full start of teaching and research of normal scope. Already during the war these activities had become much restricted, through the isolation of the universities from contacts abroad, the military service of teachers and students, the mobilization of research for the war effort, and limitations on the material needs of free research (paper, instruments, and so forth). These disadvan-

<sup>8</sup> Fichte, Schleiermacher, Wilhelm v. Humboldt.

tages not only remained, but were further aggravated.

#### DENAZIFICATION OF STAFF

As for the question of personnel, an additional problem arose from the denazification of the teaching staff. The regulations in question and their application are not uniform in the four occupation zones (to which must be added Berlin, under joint Allied administration), and therefore the results are not identical. In those states of the American occupation zone which have universities (Hesse, Württemberg-Baden, and Bavaria), the "Law for the Liberation from National Socialism and Militarism" of March 5, 1946 had to be applied. This law was enacted by the Ministers-President as authorized by the military government. The provisions of this law concerning the filling of especially important positions, to which class university teachers belonged, were here and there aggravated, e.g. in Hesse, where only "uninvolved" persons (i.e. persons who had not belonged to the Nazi Party or its related organizations) and "exonerated" ones (i.e. members of the Nazi Party who had actively resisted Nazism), but not "followers" (i.e. persons who had been only nominal members of the party), were eligible.

It is impossible to discuss here the problematic nature of this legislation, whether from the fundamental standpoint of a philosophy of government by law or with reference to the technique of carrying out this necessary but difficult task. It is reflected in the difficulties encountered in connection with the staffs of the universities. The reliance on merely formal criteria, such as membership in certain organizations, the presumption of guilt on the part of all persons meeting these criteria, prohibiting them from work until they themselves furnish counterevidence, have, above all, had a lasting effect on uni-

versities. This situation has hampered perhaps more often than it has aided the internal clarification process, the free critical settlement with the past and its sins.

On the whole, however, the consolidation of the teaching force has made good progress despite some important gaps which still exist; this is due in considerable measure to the understanding manner in which the military government dealt with university affairs. To show the results we shall cite here the figures for the University of Frankfurt. Its teaching staff used to consist of somewhat fewer than 350 members; when it reopened early in 1946 this figure was 107, and today it is 182, including lecturers and special teachers (*Lehrbeauftragte*). Of these, 126 are "uninvolved," 32 "exonerated," and 13 "followers" reinstated by the Hessian Department of State. If one assumes these figures to be an index to the political reorganization of the universities, they present a more advantageous picture than most of the other branches of the public service. It is evident that the purge has left the deepest marks but also the greatest gaps in the "political" fields, among the professors of economics, sociology, and public and constitutional law; but the fields of education and philosophy have also been affected.

#### SOURCES OF TEACHERS

There are other reasons for the fact that the staff is still incomplete. Nazism and war have greatly hampered the training of an adequate crop of young scientists, partly through rigid political control and partly through the detouring of gifted youth into other, more promising careers. One enters the career of a professor in Germany customarily and nearly always through a "habilitation" (admission as a lecturer at a university), which is an examination by the faculty,

embracing a scientific work, an oral, and one or more introductory lectures. Candidates always have the doctorate and usually one or two state board examinations behind them. It would have been nearly impossible to fill the gaps in the staffs at the end of the war—as few candidates from the preceding decade were available—had we not had certain reserves. They consisted principally of persons whose habilitation had been prevented by Nazism.

Especially in the western zones, an important second source consisted of the refugees from the east, not only from the territories which had become Russian or Polish, but also from the Russian occupation zone. Even though there are hardly any cases known of direct interference with the freedom of teaching in that zone, and only very few cases where the personal liberty of university teachers has been restricted, there is an inclination to come to the universities in the west.

A third source, alas, has proved to be only a trickle, for very few emigre professors have responded to the call of their old faculties and have returned, some of them only on part time, i.e. retaining the positions they had obtained abroad in the meanwhile. An additional and larger number of them have been at least willing to give occasional guest lectures. All of them have been heartily welcomed to the universities, especially by the students.

#### QUALITY AND HARDSHIPS OF TEACHERS

So much for the problem of quantity. It cannot be entirely separated from the problem of quality. Where a great shrinkage in the teaching staff occurs, it is hard to resist offers from candidates from the applied fields of the academic professions or from political life who are not fully qualified. Nevertheless it can be said, at least for the universities of

the west, that they have not given in to the temptations at the expense of standards of quality.

The physical handicaps to which the university teachers were exposed in the years after the reopening were felt most intensely. Hunger, lack of housing, which often forced them to commute long distances, insufficient heating, especially during the first two severe winters, and immense efforts to procure the most primitive necessities of life, strained each of them to the limit of his physical resources. Only in the Russian occupation zone have the university teachers received additional rations. In the west—which knows of additional rations only for manual workers—they have had to put up with the daily average of 1,500 calories provided for the normal consumer. The assistance afforded through the relief efforts in foreign lands, especially Switzerland, Sweden, and the United States, meant very much to each of them who received it.

The reduced supply of resources was coupled with greatly increased tasks. These tasks were not only psychological—to give new stimuli and a new faith in the power of a free mind to youth who had lost their leadership, indeed to the whole people. That was a responsibility which the universities could not avoid accepting in virtue of their hardly diminished social prestige, itself a result of their history and their accomplishments especially during the nineteenth century. It was the external organizational demands that were nearly overwhelming. Military service in peace and war had accumulated more than seven annual crops of students eligible for university entrance, and to this were added the masses of refugees expelled from eastern Germany, as well as the current graduates from the secondary schools after the end of the war. Finally, there was no economic activity which could give jobs to youth: many



wanted to study, just to do something which had a meaning.

#### CRITERIA OF ADMISSION

It was evident that not all the candidates for higher studies could be admitted; in the Russian and British zones the military government fixed rigid limits on the number of admissions at the time of the reopening. How was the selection to be made? The terrible problem of "the lost generation" was in the air. Should one admit only the quite

regulations enacted by state governments, for instance in Hesse.

The task of testing vocational aptitudes could be accomplished only by an extraordinary effort. Not a single experienced organization was available for this work, for in Germany the graduation diploma of secondary schools normally entitles the owner to enroll at a university. To show the trend of enrollment and the ratio of applications to admissions we quote the round figures for Frankfurt, in Table 1.

TABLE 1—NUMBER OF STUDENTS, NUMBER APPLYING, AND NUMBER ADMITTED, UNIVERSITY OF FRANKFURT, 1946-48

Semester	Students Enrolled			Total		
	Total	Foreigners		Applications	Admissions	
		Number	Per cent of students enrolled		Number	Per cent of total applications
Summer 1946	4,400	400	9	6,000	1,600	27.0
Winter 1946-47	4,600	780	17	5,000	1,100	22.0
Summer 1947	4,850	650	13	4,000	700	17.0
Winter 1947-48	4,850	550	11	3,500	400	11.5
Summer 1948	4,650	450	10	3,500	380	11.0

young, plastic candidates, not yet deformed by the totalitarian ideology? This was not the way chosen, although in observing the Russian occupation zone, one is struck by the fact that the proportion of recent graduates from secondary schools seems to be greater than in the west. Instead, certain political criteria were set up. An agreement of all the four occupying powers limited the number of students who had been members of the National Socialist Party to 10 per cent of the total. The individual military governments enacted stricter limitations on activists or leaders in organizations of the party. To begin with, there were restrictions on former officers, even reserve officers; but they were dropped by and by in the west, being revived occasionally in admission

The effect of this selection—a steady, powerful raising of the level of the students' ability and accomplishments—becomes the more evident in academic teaching as the unselected students of the classes admitted at the reopening leave the university after having finished their studies. The technique of admission has become increasingly improved with the passing of the years; in Bavaria and Hesse official regulations have introduced a point system of evaluation, which is a complete novelty in German practice.

Besides criteria of admission involving aptitude and political record, an idea was advanced, especially in the Russian zone, which had to be discussed again and again, namely, the promotion of studies by workers and their children.

The idea of a collective social reparation was developed in the so-called eastern zone into the strange theory—apparently applied in handling university admissions—that the composition of the student body must correspond to the social stratification of the people. But, as there were not enough secondary school graduates, qualified for admission to the universities, available from the farming and working classes, so-called preparatory institutions were set up to fill quickly the gaps in the educational preparation of such persons. This strongly reminds one of the Nazi institution of "Langemarck study."<sup>9</sup>

Conclusive and reliable judgments on the outcome are not available as yet, and it would therefore certainly be premature to look on this attempt in a purely negative way. In the western zones, both the universities and the students are open-minded on this subject, the solution of which would contribute much to social satisfaction; but we are less doctrinaire as to the success of the experiment, since sociological experience has demonstrated that among us, as a rule, it requires at least two generations for the descendants of a workman to reach the academic level. Where the point system of evaluation is used, the favoring of applicants who come to the universities under particularly disadvantageous social circumstances plays an important role. In connection with the "social points" one considers this problem, probably correctly, as a gen-

<sup>9</sup> During the First World War, very young people who wanted to enlist voluntarily in the German Army, even before reaching the age limit, were permitted to finish their studies quickly and receive their diplomas from the secondary schools. Regiments composed mostly of these young soldiers suffered heavy losses in the bloody battles around Langemarck in Belgium. The Nazis used the same system of accelerated graduation for early enlistment, and it was popularly called "Langemarck study" because of the previous experience.—TRANSLATOR'S NOTE.

eral educational question and not as a universities problem.

#### OVERSUPPLY OF STUDENTS

Despite all the restrictions in admissions, the number of students—at least in the western zones—is many times the normal figures. A kind of professional planning is found only in the case of medical students, of which faculties of the American and British zones have agreed to accept not more than fifty freshmen each semester. It is impossible to find an accurate basis for figuring the probable requirements of the academic professions, because we are quite uncertain as to the kind of administration to come and even as to the future boundaries of Germany. On the other hand, public opinion is much worried by the number of students, fearing the rise of an "academic proletariat" which has already proved, in connection with the rise of Nazism, to contain an important element of political danger.

Teaching is of course deeply influenced by these masses of students. They accentuate the scarcity of space, particularly as the catastrophic lack of books drives the students into the classrooms and furnishes a new, startling argument in favor of systematic lectures, the usefulness of which has been a moot point ever since the invention of the printing press. The lack of books is caused not only by the scarcity of raw materials, but at least as much by an irresponsible misdirection of paper which is wasted on worthless magazines. It is obvious that there is little inclination for experimenting with curricula teaching methods, even if time and strength were available.

#### STUDENT CHARACTERISTICS

The eagerness of the students, stimulated no doubt by concern with the struggle for existence in the future, is greater than in any other period of the

last decades. The unavoidable and certainly important question of where they stand politically cannot be answered in a few words. One must not forget that students are not an isolated group, but are part of the people to which they belong, and that therefore their reactions mainly reflect what fills the souls of the people. That which characterizes the student in particular consists then—at best—in the use of methods of learning and behavior that mark a man of academic training. The formation and the strengthening of these qualities is the main task of academic education, especially in view of the political necessities.

If, therefore, a general conclusion were to be attempted, one might say that the students are a deeply disillusioned generation, filled with soberness, skepticism, and a strong aversion to any enthusiastic surrender to a new ideology; prepared to discuss political questions critically, perhaps, as an aftermath of the past, with a tendency toward a realistic viewpoint in politics. It is therefore certainly not true that they have no political interests. It is true that the present form of political life in Germany impresses them but little, or possibly, negatively; for in this life, remnants of totalitarian methods and ideology are oddly mixed with elements of formal democracy, the idea of a state based on law (*Rechtsstaat*) being especially unimpressively developed and represented in part by quite powerless political factors.

In spite of the great concern for the students' physical condition (periodical tests have shown a terrible spread of tuberculosis among them) there was relatively little necessity to assist them financially, due to the curious monetary situation in Germany. Money was the only thing not scarce in Germany, but one could hardly buy anything useful with it outside the scanty rations. Most of

the students or their parents had savings left from the war period, because the excess money situation had existed in Germany for a very long time. Not a few may have made money on the black market.

In the period after the currency reform, the meeting of the students' physical needs will be the most urgent problem for the administrations of the universities. Public funds will no doubt be needed for this to a large extent. The reconstituted *Studienstiftung des deutschen Volkes* (the German People's Endowment for Studies) will here play a special role. This institution was created after the First World War for the purpose of collecting public and private funds for scholarships to be given to gifted students. It has proved to be excellent and has sponsored an elite among the rising academic generation. Many of its former grantees now hold leading positions in science and applied fields. It promises, therefore, to be the right instrument in the future for giving assistance at the proper time.

#### ADMINISTRATIVE POLICIES

The constitution of the German university, based on bylaws approved by the government, preserves the essential traits of a great tradition. Before the National Socialists came into power, the administration was divided roughly between the state, i.e. the Reich Department of Education, and the university authority, exercised by the permanent professors and by representatives of the other teachers. The basic principle was the idea of self-government revived in Prussia at the beginning of the nineteenth century. But the financial independence planned by Humboldt, to consist of assigned secularized clerical properties, failed to materialize, because the governmental authorities desired to keep the professors dependent. Thus,

the universities remained dependent on state appropriations for their personal and material needs. The professors were officials of the state, nominated by the minister or the cabinet.

To this was added a deliberately applied policy originating in Prussia and related to the practice of earlier centuries, namely, to set up the institutes of the universities (seminars with their libraries, scientific research institutes of the faculties with their buildings and equipment) as state institutions directly and not as organizations governed autonomously by the universities. The professors were made directors of these institutes and could be displaced as such at any time.

Further, the system of examinations has landed more and more in the hands of the state, a development which started in the last century and has not yet been completed. Rules for the examinations set up by the state have indirectly influenced academic teaching by choosing and defining the scope of the examination; and more recently departments of education have even assumed the right to prescribe curricula. The curricula for the study of law and economics prepared by the Nazi Reich Department of Education are the most outstanding examples. The professors even became noticeably dependent on the appropriate state departments because their membership in the examination committees was dependent on these departments.

In Prussia, finally, the institution of the university curator had survived at the different universities. This century-old office went back to the times of absolute monarchy. It was tainted with the memory of Metternich's extraordinary plenipotentiaries who were appointed at the beginning of the nineteenth century to repress liberal movements at the universities. The curators exercised the State Department's super-

vision at each local university, and furthermore they were directly entrusted with essential parts of the administration, namely with finances and the appointment of the employees who were not officials, including the assistants.

Notwithstanding the influence of Prussia in matters of administrative law in the rest of Germany, this concept was modified by a virile liberal tradition in some South German states in the direction of a greater emphasis on self-government. According to this concept autonomy was restricted to the following rights: the right of the faculties to recommend candidates, usually three, for a vacant professorial chair, the department not being legally bound to accept such recommendations, although it usually did; the right to accord habilitation (that is, to admit someone as a lecturer), which meant much because it was quite unusual to call scholars without preceding habilitation; the right to confer the doctor's degree, which has lost most of its historical importance since it became merely a decorative title; finally, the right to administer the university locally by the rector and the senate in matters affecting the whole institution (apart from financial questions), and by the dean and the individual faculties in matters affecting the divisional faculties.

#### UNDER THE NAZIS

Under these circumstances it was not difficult for the National Socialists to remove by a few changes the democratic principle which had found its expression in autonomy. The "leadership principle" was introduced. The rector was no longer elected by the teaching staff, but appointed by the Minister of Education; the dean was no longer elected by the faculty, but appointed by the rector. The office of state curator

was retained. At each university a party commissar was assigned to be the leader of the lecturers. He exercised political supervision under the supreme direction of the party. For the rest, one could get along very well by purposeful use of the possibilities for governmental influence, which were already contained in the traditional constitutions of the universities.

#### REFORM UNDER MILITARY GOVERNMENT

In reopening the universities after the collapse, the military governments, after a short period of transition, took care to provide for the change to a new status by means of a prearranged plan of organization of their own—in the American occupation zone, through a planning committee consisting of members of the teaching staff. A legal basis was created by returning essentially to the status prior to 1933. Here and there, bylaws were even revised. By and large the idea prevailed officially that there should be thorough discussion of at least a reform of the university constitutions, if not a reform of the university system, including methods of teaching. This suggestion was strengthened by a number of state constitutions which expressly guarantee the autonomy of the universities and at the same time define the supervisory functions of the state.

This discussion has not been restricted to debates between the universities and the responsible ministries, but has gained a much wider hearing. It is remarkable that it has not revealed any essential differences between the various occupation zones, either in the problems themselves or in the viewpoints of the participants; of course the adventitious composition of the parties to the discussion plays a certain role.

The most important documents have

come about in the following manner: Early in 1947 a committee of the British Association of University Teachers visited institutions of higher learning in the British zone and reported its impressions, later published also in German. Early in 1948 the British Military Government set up a commission of ten members for the reform of the universities, analogous to the traditional system of Royal Commissions, and consisting of one British and one Swiss scholar, representatives of important public groups, and a few German scientists, among them a university professor. The commission has started its work, naturally by sending out questionnaires.

In the American occupation zone the conference of rectors was from the beginning concerned with the narrower problem of the university constitutions, especially as the military government repeatedly raised appropriate questions; the conference of the ministers of education in the American occupation zone, the so-called "committee on educational policy" dealt with this problem too.

At the first joint conference of universities in the American and British zones held near Frankfurt in July 1947, it was resolved to set up a committee consisting of one rector and one representative of the ministry of education of each state having universities; the ministers of education were added in October 1947. The proposals of this committee of seven experts, the so-called "Schwalbach Directives," have been available since December 1947.

#### RELATIONSHIP TO GOVERNMENT

Among all the problems to be solved in these deliberations, that of the university constitutions is pre-eminent. In this connection we have to answer some questions decisively affecting not only the future of the German universities but science in general in the domain of

Western civilization. Above all, the question of the relationship to the government, specifically the departments of education, must be reconsidered in the light of the experience of 150 years, including the experiences of the three years since the collapse of the Nazi domination.

The essential obstacle to the democratization of the German people seems to me to be that this nation has not become fully aware of the basic importance of the division of powers for the construction of a liberal order in the state. By and large, the intrinsic value of an independent administration of justice, an independent public opinion, and a science independent also of political, social, economic, and educational criticism has been ignored. With terrifying ingenuousness the parliamentary criticism is accepted as solution of the problem of democracy; although this system means but control by a momentary majority, behind which stands the powerful, nearly uncontrollable leadership of the party, whose mouthpieces are the ministers, men provided with strong powers. As if, for instance, the judgment on Nazism could depend in any way on whether Hitler did or did not have the majority of the people behind him.

In this respect there are only differences in degree between the so-called eastern zone of Germany and the western zones. There is also the same inclination to justify the situation by historic legends which are supposed to show the danger of independent authorities. There is no doubt that the growth of such a political style, which shows unmistakable totalitarian features, is furthered by the transitional continuation of the totalitarian structure of the government in important fields, such as that of economic policy; it is psychologically promoted by the mere existence of occupation governments.

#### FREEDOM ESSENTIAL

Anyway, the fact is that the universities are more dependent, even today, on the momentary representatives of the power of the state than is appropriate in view of their great and independent tasks. There are significant examples of both a positive and a negative kind. The universities will combine to fight for their freedom, not in the interest of the comfort of their professors, but because the problems of science can be solved only where neither direct nor indirect pressure is exercised on the formulation of the questions or the answers, and where the scientific institutions are not used as means for reaching goals set up by the politicians. In the face of this crucial issue all counterarguments related to the appropriation of public funds, teachers in their quality as officials, or the recognition of the legality of state supervision lose their force. References to the educational tasks of the universities likewise lose their force for the education which the university can offer is only education for freedom, and this can be accomplished only by demonstrating a life of spiritual freedom.

A problem closely related to the foregoing has been repeatedly posed in the American zone by the Chief of the Universities Section of the military government: would it not be advisable to form boards of curators on the model of the boards of trustees of the American universities? Such boards would act as a liaison between the universities and the general public, and should be composed of distinguished representatives of public life—academic professions, churches, labor unions, and so forth. The idea has not been welcomed in German circles, either by the universities or by the state administrations of the universities in the various zones. A thorough inquiry into all the theoretical

possibilities has failed to discover any specific task which would make service on such a board attractive to persons of importance. Besides, the fear of the peril of involvement with politics which could result from such a device has been a deterrent.

#### INTERNAL REFORMS

Less difficult are the questions concerning the internal organizational reforms. The universities have not been able to make up their minds to lengthen the term of office of the rector—likewise suggested by the Americans—although in times of crisis much can be said for continuity of administration. The democracy, if this word can be used here in a metaphorical sense, of the internal organization of the universities is animated by such a strong consciousness of the (real and virtual) share of each individual in the administration that the rector who is elected for one year from among the members of the teaching staff is not permitted to succeed himself more than once.

Finally, plans for the participation of the younger university teachers in the administration were so well started in the university reforms associated with the name of Carl Heinrich Becker, Prussian Minister of Education during the period of the Weimar Constitution in the 1920's, that progress can be continued along the same lines: membership in the council, which is the general assembly that elects the rector and makes other important decisions; membership in the senate, a smaller body which, together with the rector, deals with current administrative questions; and membership in the faculty.

#### RELATIONS WITH MILITARY GOVERNMENTS

At present the relations between the universities and the appropriate military governments are of decisive im-

portance, not only for the success of the current work but also for the reconstruction efforts of the German universities. In the British and French zones these relations are maintained through university officers, who can be compared superficially with the old-time curators. The Russian military administration transmits its decisions through the Central Administration for Popular Education (*Zentralverwaltung für Volksbildung*) in Berlin, whose jurisdiction covers the whole zone.

The American Military Government has attached a university officer to the military administration of each state. He serves all the universities of that state, and experiences in the American zone have been excellent. In the face of such a complicated administration as that of a military government it is of inestimable value to be able to turn to someone who specifically handles the matters which the universities have to deal with. The university officers, always persons with academic background, are working tactfully and with a fairness in their willingness to face criticism, which can only be very educational for their German partners. Their chief importance lies in the field of the political investigation of teachers, whether the newly called or those reinstated after denazification. Besides, they are of inestimable assistance in overcoming obstacles to interzonal or international transactions.

The British and American zones each have associations of universities. The British zone took the lead by setting up the Northwest German University Conference (*Nordwestdeutsche Hochschulkonferenz*) consisting of the rectors of the scientific universities and the state ministers of education, the latter having voice but no vote. This example was followed in the American zone. Since the Frankfurt convention of both conferences in the summer of 1947, they

have met jointly with the rectors of the other two zones, participating to the extent permitted by their military governments. They still maintain separate organizations, however. The Northwest German University Meeting has its secretariat in Göttingen, that of the South German University Meeting being in Frankfurt.

#### STUDENT GROUPS

The students are also organized in an autonomous group, which harks back to the situation before 1933. In the western zones there is at each university a General Student Committee (*Allgemeiner Studentenausschuss*) which is elected by the students. It handles a number of matters in which students alone are concerned. In connection with certain university problems affecting the students, they have now probably everywhere, certainly in the British and American occupation zones, representation in the pertinent assemblies, especially in the senate of the university, which handles such questions as scholarships, social problems, sports, studies, admissions, fees, and so forth. In the British and American zones the representatives of the local student organizations are united in associations, which co-operate with the University Meetings.

Another and much more difficult problem is that of the private associations among students. The revival of the old color-wearing fraternities, dissolved by the Nazis, is regrettable from many points of view, but no substitute has been found as yet. Debating clubs, professional associations, clubs organized on the basis of identical artistic or other interests, and so forth, have little prospect of lasting. Because of its educational value, the idea of house groups, like those in English and American colleges, is sympathetically received; but

the realization of this idea has hitherto encountered almost insurmountable difficulties, not in the destroyed cities alone.

#### FAR-REACHING RESPONSIBILITIES

At a time when fatalism, relativism and positivism have suffered bankruptcy, the universities must assume the great additional task of restoring belief in absolute values and in the validity of truth, and of conquering nihilism. This not only gives a brilliance to academic instruction not evident during the so-called normal times; it also extends the effectiveness of our universities far beyond the student body. Consciousness of the responsibility which grows out of this fact is very strong in our universities. It expresses itself, on the one hand, in the enrichment of the lecture program by a multitude of subjects, of basic as well as political significance; on the other hand, in the completely untraditional and astonishing number and variety of extramural offerings addressed to the public at large, such as extension lectures, forums for discussion, radio addresses, and so forth. This activity is all the more remarkable in view of the demands already made on the available personnel.

#### INTERNATIONAL EXCHANGE

A considerable part of these efforts aims to overcome the isolation in which the German people has lived for more than a decade and to remove its pernicious consequences. That is the reason why we accept so gratefully the assistance which foreign science furnishes through the numerous visits of scholars and their lectures. The exchange with countries abroad is a vital problem for science and teaching. It is essential for the progress of our own scientific work that we learn the results of research in other countries—at least by receiving books and periodicals—and re-



sume the long interrupted discussions with foreign scholars.

Furthermore, there is the need to let the students experience for themselves the international character of science, which, given our traditions of teaching, can be done only by showing them the example of the co-operation of native and foreign scientists in research. For this reason also, the exchange of visiting professors and of students is important.

For some time such an exchange has been going on between England and the

British zone, including students. Difficulties in transportation have delayed such a relationship with America, as can easily be understood. But the American zone furnishes, on the other hand, the most impressive example of a lasting co-operation—the arrangement by which seven professors from the University of Chicago have joined the staff of the University of Frankfurt. These are encouraging symptoms: they confirm that the world of science—and we hope that is not the only one—is really “one world.”

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# A List of Political, Legal, and Economic Journals

Compiled by JOSEF MACKERT \*

## POLITICAL JOURNALS

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\* The compiler is well aware that any attempt to construct a reference list of this type is bound to be incomplete. This list is no ambitious technical bibliography, but rather a first informational survey for readers who may be interested in these fields. The innumerable official serials of decrees and laws, police bulletins, etc., have been omitted, as well as bulletins by political parties or information services of local character; newspapers; organs of individual trades, businesses, or industries; stock market bulletins; agricultural bulletins; etc. It is quite possible that some of the titles included in this list will have ceased to exist in consequence of the currency reform, by the time this is published.

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*Dr. Josef Mackert is associated with the University Library at Freiburg i. Br.*



## Book Department

FRIEDRICH, CARL J., and Associates. *American Experiences in Military Government in World War II*. Pp. xii, 436. New York: Rinehart & Company, 1948. \$3.50.

Since 1942 the conduct of military government has become identified in the United States not only as a politically troublesome operation for the armed forces but also as a major factor in the implementation of American foreign policy. Study of military government policies and operations is the particular concern at the moment of those engaged in conducting training courses in overseas administration now established in various universities and in the United States Military Academy at West Point. They badly need reference books.

In order to provide a text- or casebook for courses in military government and administration Professor Friedrich has here presented papers written by fourteen political scientists (four from Harvard), all of whom served in uniform as military government officers. To this symposium he has added four papers of his own. The work is divided along geographic lines into three sections concerned with operations in Italy, France, Austria, Germany, Guam, Japan, and Korea. Germany receives the fullest treatment. The area studies are prefaced by a miscellany of five papers examining in a general way the problems of re-education for democracy, organizational relationships, political intelligence operations, the development of an attitude toward the enemy, and a comparison of German and Japanese occupation policies. A three-year time span is set which begins with mid-1943.

To begin with the major contributor, no exception can be taken to Professor Friedrich's immediate recognition of democratization as the "heart" of the current military government enterprise, but the reviewer wonders what happens in the combat phase, when military necessity is paramount and little thought is given to long-range results. In these papers as is general throughout the book, there seems

little awareness of the distinction between combat and post-hostilities operations which is essential in training programs. Nevertheless, the four Friedrich papers will be of considerable interest to military government legal officers, members of policy committees, and students of international law.

The various organizational studies should be quite useful in a training program. George C. S. Benson and Mark DeWolfe Howe in Chapter III draw attention to the command conflict between territorial and tactical organization. They say it was solved effectively in Italy, but are not clear as to what happened in the European theater elsewhere. The pin-point system, with its high hopes and sad downfall, an important ingredient in European Theater Operation planning, receives no mention here. The authors say the Forty-second Division in Austria worked out badly, but rather than developing this promising case, they abandon it with a one-line statement and return to comfortable generalities. This is characteristic of the whole European portion of the book. Discussions of planning stop where they should begin, leaving the reviewer wondering what happened to all the policies, plans, and handbooks produced by the busy planning staffs.

In contrast to this are the two excellent articles in the European sections of the book (Parts II and III) by Dale Clark and Frederick M. Watkins. Professor Watkins provides the first concise summary analysis and comparison of German and Japanese occupation policies and practices which this reviewer has seen. Unfortunately, the paper is, like many of the others, completely devoid of documentation. Mr. Clark's twenty-seven-page essay, "Conflicts in Planning at Staff Headquarters," is a real contribution to military government literature. He shows the impact of JCS 1067 (modified Morgenthau plan) on the development of policy and plans for Germany and SHAEF, OMGUS, and USFET. With the addition

of a few dates in the proper places, this paper will be an important addition to ETO military government history.

The other European studies are most disappointing. While presented as descriptive accounts and evaluations of field experiences, their dearth of factual material and their general nature force the reviewer to the conclusion that the promised field experiences were blurred by too much later experience in the Pentagon files. The Japanese and Korean stories are much better.

The major conclusion reached is that military government, due to individual initiative, worked out as well as could be expected with inadequate policy direction, faulty organizational structures, uncoordinated planning, and a serious lack of properly trained personnel. There is not enough evidence in the book to provide other than intuitive answers to planners attempting to rectify mistakes or to test the points at which the program broke down. Military government training courses are still in need of a brief, convincing textbook. Several chapters of Professor Friedrich's volume will provide valuable supplementary material and a number of handy charts.

SYDNEY CONNOR

Washington Grove, Maryland

KNAPPEN, MARSHALL. *And Call It Peace*. Pp. viii, 213. Chicago: The University of Chicago Press, 1947. \$3.00.

"You will continue to effect the complete elimination of all National Socialist, militaristic and aggressively nationalistic influences, practices and teachings from the German educational system" (an excerpt from the directive sent to General Clay, July 11, 1947, by Joint Chiefs of Staff—Pbl. 2913, European Series 27, VI, 23b). This may well serve as a retro-preface for a book which deals with "America's dangerous blunders in re-educating the Germans." Marshall Knappen, Rhodes scholar and professor of history and political science, former chief of the Religious Affairs Section and deputy chief of the Education Section, Office of Military Government for Germany, has written as consummate an exorcism of our

fallacious reorientation policy towards the Germans as can be imagined, i.e. our policy as it meandered until recently. *And Call It Peace* is not, so Knappen says, a book "on Army administration or the organization of military government divisions and teams," but of course the book is full of revealing observations concerning these matters. What the author has done is to discredit an ill-advised, ill-organized day-to-day "effort" to bring the Germans back (?) into the fold of democratic nations. It seems that everyone was agreed on at least one thing: "... to insure that the Germans, and particularly the young people, should come to understand, appreciate, and champion the democratic way of life." But the how-to-go-about-it mushroomed forth into a thicket of dogmatic nonsense. The fact is that so far we have failed, and if anything is to be rescued, we must face the fact that we have failed. "Germans dubious about democracy"; "Nazist ideas in many lands"; "Germans' hatreds are reported rising (60% strongly anti-semitic)"; "Denazifying work foiled"; "Nazis duck re-education";—I am quoting New York *Times* 1947 headlines! In our "race for the 'love' of the Germans," as Thomas Mann phrases it, German fears, suspicions, and nationalism find a ready-made opportunity to turn a lost war into a not-so-lost peace.

In the face of ignorance and apathy, a handful of American educators sought to help the Germans so that they would help rid themselves of their aggressive nationalism. This is their story, with its delays, blunders, muddled policies, shifts, and favoritism. In some magazines the picture has often been reduced to a changing of the covers on books, but here is the real story of a problem about which most Americans know nothing and seem to care less. There is unfortunately in this book a great deal of leaning over backwards in behalf of the Germans, since the author has deep antipathies for the vengeful ideas of the Morgenthau plan. Knappen's material on Cardinal Faulhaber and Niemöller is good but not complete. But there is hardly an angle that Mr. Knappen does not cover and cover well. The fact is that all the things Knappen was against have now

been dropped. Patton's ideas to ignore the denazification directives if experienced local government officials could not be had otherwise, have been accepted. And more than before, "ironically enough, the German civilians receiving the greatest consideration . . . [are] the scientists whose special interests [make] them immediately useful for military purposes . . . these modern mercenaries . . . [are] given the rations authorized for American troops . . . these potential arch-militarists [are] transported to the US in style. Fraternization with those who were to educate the youth of the next generation was forbidden. On the V-2 ranges of New Mexico, German soon became the common language."

Rarely has this reader seen such an uneven book, brilliant in parts, lopsided in others—a healthy catharsis nevertheless. Of course, the primary misconception persists: we hear of *reorientation* towards a genuine liberal spirit. The truth is that the Germans will have to start developing that democratic spirit which they never really possessed. Perhaps this is the time of the Niemöller school, for Niemöller did not believe the German people as yet ready for democracy, and it was he who made—at the conclusion of World War II—"perhaps overeager suggestions on the strategy to be used in the event of hostilities between the Western Allies and the USSR." That was and still is the German mentality, which we seek (?) to "reorient."

BORIS ERICH NELSON

University of Massachusetts  
Fort Devens, Massachusetts

SCHAFFNER, BERTRAM. *Father Land: A Study of Authoritarianism in the German Family*. Pp. xii, 203. New York: Columbia University Press, 1948. \$3.25.

This valuable and penetrating little book deals with one of the baffling problems of our age, namely the relation between *Nazi* and *German*. The author, a psychiatrist, writes from his experience as former chief of the Screening Center of the Information Control Division, and with access to material from the Surveys Section of ICD. The clinical material from the center in-

cluded much of the thematic perception type, as for example, responses to incomplete sentences, Rorschach findings, personal stories told in a group session, and essays. The appendix includes five contrasting case histories of persons screened for participation in the communication field.

The thesis of the book is that the traditional German character is derived from a rigid, authoritarian, static family system which adapted itself readily to the Nazi pattern and remained essentially unaltered when the Nazi layer was stripped away. The implication is that *German* and *Nazi* are more nearly identical than is realized by naive exponents of "denazification."

The analysis avoids involved psychoanalytic theorizing and likewise group mind concepts but does make effective use of the general idea of extended influence of family interactions and of values inculcated by childhood family experience. The German father is a symbol of authority and discipline, justified in punishment, dominant over wife and children. The mother is more affectionate, and such behavior is more approved by anti-Nazis. The German child is indoctrinated with the values of discipline, obsessive industry, duty, obedience, passivity (replaced in adulthood by introjected aggressiveness), orderliness, cleanliness, manliness, militarism, family pride, nationalism, and docile acceptance of parental political views. Psychiatric studies showed anti-Nazis more common among those who rebelled against parents. Many anti-Nazis, however, merely identified with liberal parents.

According to the author, *German* became *Nazi* because the proposed state resembled the family with Hitler as the father symbol; purification was called for, and manliness was proclaimed. Denazification is superficial. "It should have been recognized that Nazism was only the contemporary, extreme political expression of German thought and that the two were fundamentally the same" (p. 79).

There is interesting support for the thesis in accounts of the reluctance of even anti-Nazi parents to permit young people to participate in separate youth discussion groups. The reactions of Germans, old

and young, to the occupation are thoughtfully discussed with reference to German character and likewise the delay and inconsistency of policy on the part of the occupation forces.

The author is not optimistic concerning a sudden change in German character and is aware of possible ethnocentric assumptions in our policy. Changes in ideology and institutions must be accompanied, he feels, by changes in family life as it affects the younger generation.

While the writer warns that he is talking of differences in emphasis rather than mutually exclusive cultural traits, it is easy to get an impression of stereotyping. Empirical data are not closely and systematically related to generalizations. *German* is described in terms of reactions of people exposed for twelve years to *Nazi* influence. There is need for more pre-Hitler evidence concerning the stable *German*. It is confusing to have family evidence cited differentially to explain *Nazi* (pp. 23, 70) and similar evidence (p. 19) cited as the basis for *German* with and without the *Nazi* layer. Questionnaire responses are cited in the appendix, which would provide justification for certain opposite interpretations as plausible as some that are made.

All in all this is a well-written, sensible book suggestive as to methodology and rich in wisdom to guide social engineering in a conquered country that cannot without peril be forgotten.

CLIFFORD KIRKPATRICK

University of Minnesota

UNITED NATIONS, DEPARTMENT OF ECONOMIC AFFAIRS. *Survey of the Economic Situation and Prospects of Europe*. Pp. xvi, 206. New York: Columbia University Press, 1948. \$2.50.

For many months the economic position of western Europe has been under continuous and intensive study. In the main, the results of these studies have been published in two series of reports. One set includes the Marshall plan reports from the co-operating European nations, the Harriman and special congressional committees, and the State Department. The

other series comes from various economic bodies of the United Nations. The report under review is the work of the United Nations Economic Commission for Europe, prepared under the direction of such well-known economists as Gunnar Myrdal, Nicholas Kaldor, Hal B. Lary, and Hans Staehle. For its comprehensiveness and closely reasoned analysis it tops the list of all the economic studies yet produced on western Europe.

The report is comprehensive in its coverage of the whole of Europe; there are sections on economic plans and performance in eastern Europe and the Soviet Union. It provides, too, more detailed analysis than any of the Marshall plan reports on the significance of prewar east-west trade in the European economy, and the relationship in various countries between foreign trade and domestic output. In subject matter the report deals with four main topics: (1) agricultural and industrial production, (2) trade, both within Europe and with the outside world, (3) balances of international payments, and (4) problems of European reconstruction. Comparison between the prewar and the present position is supported by a wealth of well-organized statistical data. Subsequent reports will keep this material up to date.

The analysis of problems of European reconstruction is ably handled—in particular, the causes and effects of open and suppressed inflations, and the problem of restoring trade within Europe, which has sunk to such low levels. The report concludes with a comparison between the various production goals and foreign trade plans contained in the series of Marshall plan reports. Here some mildly critical comments are made. For example, why should western European countries plan to increase the existing high-level imports of petroleum, thus intensifying the dollar shortage, rather than put additional effort into raising domestic coal output? As independent and authoritative appraisals of progress under the European Recovery Program this and subsequent UN reports should prove very valuable.

J. RICHARD HUBER

University of Washington

CROWTHER, GEOFFREY. *The Economic Reconstruction of Europe* Pp ix, 79. Claremont, California: Claremont College, 1948. \$2.75.

This is the printed version of three public lectures delivered by the editor of the London *Economist* at Claremont in February 1948. In reading them now one is struck by the difference between the emphasis in February and that to be found in the "leaders" of the current issues of the *Economist*. This is no criticism of Mr. Crowther. It only underscores the pace of change in the economic and political world of our time.

The three essays are entitled, respectively, "The Vitality of Europe," "Freedom and Order in Europe," and "America and Europe." The first is a plea for patience and a reaffirmation of faith: patience as to the speed with which economic recovery *can* be achieved and faith in the proposition that present difficulties will inevitably be overcome. The essay on "America and Europe," although it offers some wise admonitions to an American audience, chiefly stresses the necessity for close mutual co-operation and understanding between the United States and western Europe both currently and over the long run.

The second essay, "Freedom and Order in Europe," is at once the most substantive and the least touched by developments since it was written. After pointing out that the American economy is not wholly one of free enterprise nor Europe simply an inchoate mass of economic controls, Mr. Crowther considers why "... there is not a politician or a political party in the countries of Western Europe to-day that preaches the unadulterated doctrine of a return to completely free, uncontrolled private enterprise" (p. 40). Baldly stated, the answers are three in Mr. Crowther's view; Europe is poorer in natural resources than America, Europe is no longer an expanding economy because of declining rates of population growth, and, lastly, most western European countries have balance of payments problems. This leaves the reviewer, at least, up in the air. If a country is poor in natural resources, has more need for internal economic adjustments,

and has a deficiency of exports, is it axiomatic that, in general, government controls will husband the resources better and use them more efficiently than the price and market system? Perhaps so. But the case needs to be proven, not assumed from the facts.

Mr. Crowther rightly emphasizes that the problem of capital accumulation and the "clash between progress and security" are more fundamental than any abstract dispute over the relative merits of socialism and capitalism. And he is not unmindful of the close links between economic controls and political democracy. These points are nicely and neatly stressed. Similarly sophisticated is the discussion, set against the background of European political realities, of the problems of European economic co-operation and perhaps ultimate union.

This is a useful book. It is written with grace and ease. It covers many important problems in a few pages without being superficial. It should command a wide audience.

NORMAN S. BUCHANAN

New York City

MURALT, LEONARD VON. *From Versailles to Potsdam*. Translated from the German by Heinrich Hauser. Pp. 93. Hinsdale, Illinois: Henry Regnery Company, 1948. \$2.00.

This book is an attempt by a professor of modern history at the University of Zurich to explain "the schism in the modern world" and the decline of the great states of western Europe from a position of predominance to that of "the battle field" of a Eurasian world power and an American world power. Dr. von Muralt has divided his study into eight chapters entitled: "The End of the War," "The Peace System of Versailles," "The Paris Peace Conference," "Europe after Versailles," "The Continuance of the War with Different Means," "The Real Conclusion of Peace," "The Historical Conception of the Whole and the Present Situation."

The author's first major error was to write about Europe since 1914 without studying the principal sources. Of the

Allied agreements and declared and undeclared war aims of World War I, he explains only the Fourteen Points and Clemenceau's demands. He would never have made such obviously absurd statements about Wilson and Lloyd George and their experts if he had read the minutes of the meetings of the council of four which are available to Swiss scholars in two published volumes of the *Foreign Relations of the United States, 1919*. Moreover, on the concluding page of explanations of the armistice negotiations, he makes three misstatements. Not only does he reveal his lack of knowledge of important sources, but also his inability to establish an enduring theory of historical values with which to admeasure the motivations of the makers of twentieth-century history.

Since the purpose of this English translation is "to restore the interchange of ideas," the following samples of the author's conclusions may be noted. The annexation of Alsace-Lorraine (1871) had been the result of a war and "a regular peace." At the Paris peace conference there was lacking "a common political will" and a comprehensive idea of the modern state. The centralism of the new states was "insane." Poland's policy of expansion was "insane." Either Germany or Russia should have been brought into the western European combination and made the guardian of the new order of 1919. It should be noted that Ribbentrop and the Nazis, as well as Hugenberg and the Junkers, expressed similar conclusions.

The author's principal point is that the first two world wars were really one great struggle against German imperialism and the spread of German authoritarianism. "How are we to establish a peace now?" The European world, Professor von Muralt asserts, can no longer maintain a balance of power between the only two world powers which exist today. Now, and in the future, will loom the abhorrent danger that one of these world powers, in mortal fear of the tremendous potential might of the other, will commit a mad act of armed aggression in self-defense of its vital interests. Only Great Britain, France, and Germany, together with all European minor states, the author maintains, can by means

of political federation prevent a third world war.

RALPH H. LUTZ

Stanford University

UNITED NATIONS, DEPARTMENT OF ECONOMIC AFFAIRS. *Economic Report: Salient Features of the World Economic Situation, 1945-1947*. Pp xv, 354. Lake Success, New York: United Nations Publications, 1948. 75 cts.

This is the first of a planned series (whether annual or biennial is not announced) designed to afford to governments, economists, and the general public an *aperçu* of economic developments in the whole world. Part I attempts to set forth within the brief compass of 32 pages the highlights of recent economic history. Part II, comprising 158 pages, traces these developments in six *regions*: the Americas, Australia and New Zealand, Asia and the Far East, the Middle East, Africa, and most exhaustively—Europe. In Part III (70 pages) the analysis is oriented upon the basis of economic *problems*, each of which forms the subject matter of a chapter which in some cases has been contributed by the relevant international organization. Finally, in Part IV, six international *agencies* present compact statements (29 pages in total) of their general character and recent activities: the United Nations itself, the International Labor Organization, the Food and Agriculture Organization, the Bank, the Fund, and the International Civil Aviation Organization. The volume concludes with a 64-page Chronology of major economic events, from the surrender of Germany (May 1945) to the end of November 1947.

The compendious factual character of this volume, its wide sweep of verbal description and statistical tables, makes a review in any legitimate sense impossible: it would be a good deal like preparing an index to the dictionary. But, despite the detailed character of the report, some dramatic features of the surrounding economic landscape fasten themselves upon the reader's mind. Certain economic problems are at present common to every nook and corner of the world—food, coal, and steel shortages, inflation or inflationary po-

tentials, dearth of skilled labor, high proportions of national income devoted to current consumption, the pressure of the last decade's 10 per cent population increase upon production facilities, and—except for the United States itself—the shortage of United States dollars and the crystallizing of bilateralism in international trade.

Although the report presents a wealth of information in an orderly and clear manner, it does not make good reading. It is too much a recital of details, too much a chronicle, and too little an analytical description and history. This defect could have been remedied, in part, by having the part devoted to "Some Outstanding World Economic Problems" precede instead of follow the regional descriptions, thus affording the reader a general orientation in main issues before he proceeds to the special aspects they assume in particular settings. In part also, the effectiveness of Part III would have been enhanced by following the general pattern of the chapters on coal (Chapter 2) and manpower (Chapter 4), with their illuminating introductory statements of main problems and their clear organization of policies and remedies, instead of the model of the chapter on food (Chapter 1), which wallows about in crop statistics of "The Agricultural Year 1946-47 and Food Year 1947-48" before the reader can guess what it is all about. Finally, the Chronology seems to be too rigorously divorced from the body of the report: interesting things were happening, but they appear mostly in the almanac at the close of the report. Perhaps the authors would benefit by renewing their acquaintance with the lively style of the League of Nations' annual economic reports. Quantitative economic data are nowadays more abundant; and the marvelous statistical exhibits of the present report can undoubtedly in the future be made to yield more memorable results for both the informed and the lay reader.

HOWARD S. ELLIS

University of California

In the legendary period previous to the recent war, France, Britain, and the United States were commonly said to constitute the bulwark of democracy. The meaning seemed to be that they were an obstacle to military aggression by the Axis powers. The obstacle came so close to being insufficient that there are just grounds for trembling at the retrospect. Mr. Roosevelt deserves eternal credit for having seen so early and so clearly the real character of the danger from aggression. That he was profoundly shaken by the catastrophic collapse of France seems altogether likely; and, unfortunately, there is evidence that his subsequent attitude towards France, which in this context is the worst kind of abstraction, was in considerable measure colored by his disappointment. This attitude was in turn highly influential in certain quarters. Whatever may be the verdict of history, if there is to be one, concerning criticism of our war policy towards France—criticism which Mr. Hull's *Memoirs* are only cumulative evidence that the Department of State resents bitterly—a just verdict will have regard for the inner meaning of democracy and for the feelings and aspirations concerning it which many people have. Professor Gordon Wright belongs to this class; and there is no wonder that his study of France should, as his title indicates, be centered in democracy.

Professor Wright, when he joined the Department of State during the war, must have found very uncongenial the prevailing attitude towards France, in anticipation of the liberation of that country. In the case of a person with fondness for France, with knowledge of its history, and with interest in and appreciation of the vagaries of its politics, it could not have been otherwise. There is a certain poetic justice in his having been a member of our Paris Embassy staff long enough to study at first hand the establishment of the Fourth Republic. Any interested student of public affairs may be the gainer; for he has, as a result of his study, written a book which is, to avoid superlatives, as good an account of French politics as anyone could wish. He has written with a humor and a lightness of touch that are not inconsistent with profoundness, and he

WRIGHT, GORDON. *The Reshaping of French Democracy*. Pp. x, 277. New York: Reynal & Hitchcock, 1948. \$3.50.

has written with a moral conviction that is not inconsistent with historical fairness. He eschews prophecy, but he has strong hope for and firm belief in the vitality of democracy in France.

R. K. GOOCH

University of Virginia

KULISCHER, EUGENE M. *Europe on the Move: War and Population Changes, 1917-47*. Pp xi, 377. New York: Columbia University Press, 1948. \$5.00.

Social theory is indebted to the Kulischer brothers, Alexander and Eugene, for a significant interpretation of history, in terms of the interrelations of the natural increase of peoples, migration, and war, with emphasis on the complexity and ramifications both of peaceful "migratory currents" and the "violent movement of masses of people" in war. This interpretation, developed elsewhere in full historical perspective, is introduced in the opening chapters as the major theme of the present study. This, as such, is a service to English readers, because the original presentation is available only in the German edition. The author avoids a didactic formulation of the interrelations of population movements and war, in recognition of their complexity; he is critical and objective in his evaluation of data; and he has a catholic interest in a wide range of social events. His interpretations, however, are profoundly influenced by the thesis that migrations and war are complex transformations of a single dynamic process. Few readers will agree with all the interpretations of recent events suggested by the author, but all will find their understanding of these events stimulated both by new insights and by relevant objective information.

The treatment of population changes in Russia, which forms about one-third of the text, is particularly valuable. Kulischer's analysis of demographic data agrees, in general, with the analysis presented by the reviewer in *The Population of the Soviet Union*. On a few technical points where he expresses disagreement with the reviewer his interpretations may very possibly be correct. Some exception may be taken, however, to the interpretation of the 1938 birth rate as abnormally high

due to changes in age composition (Kulischer, p. 315). Eliminating the effect of variations in age composition, the estimated gross reproduction ratio for 1938 was 17 per cent below that for 1926 (Lorimer, p. 131). The two studies are definitely complementary. In addition to particular topics to which Kulischer gives special attention in this text, his whole treatment of the Russian population is illuminated by a profound and intimate knowledge of Russian history and culture—and kept sane by a mature and scholarly objectivity.

The major portion of the text is an exposition and interpretation of the tangled patterns of population movements in Europe, in their relation to World War I and World War II. This is a tremendous undertaking, involving the evaluation of data and pseudo-data from many and diverse sources. All who are concerned with economic, political, and social problems in Europe will be profoundly grateful for the lucid presentation of facts and critical estimates in this book. The author also directs attention to critical problems, as for example with respect to the present demographic situation in central Europe, from which there is no easy escape. The book is recommended for reading at any time except bed time.

FRANK LORIMER

The American University  
Washington, D. C.

ALINGTON, C. A. *Europe: 3000 Years of European History*. Pp. xii, 388, 8 maps. New York: Charles Scribner's Sons, 1948. \$3.75.

On the premise that the average man—*homme moyen instruit*—"suffers from a kind of historical indigestion which lessens his enjoyment and clouds his judgment" when studying great histories of Europe, due to the presentation which forces him to remember dates with accuracy and thus prevents him from distinguishing "the forest from the trees," the author has written this kind of history (to quote Goldsmith) "not to add to historical knowledge but to contract it."

Unfortunately, Alington's product is just



as bad as, if not worse than, the histories that he condemns. His presentation simply crawls with unimportant dates. And what is even more difficult to understand, his historical interpretation has the approach that characterized the historians of the nineteenth century—and that possibly also explains why his treatment ends with 1900, while the subsequent history, centered around such few topics as the Hague Conference, World War I, and the Versailles Treaty, are given exactly two and one-quarter pages (of which the last paragraph is no history but the author's prayer). This old-fashioned interpretation has, in fact, made Alington's treatment more than old-fashioned. For instance, the influence of the Slavic invasions of Europe is nowhere made clear and the word "Slav" is not even listed in the index. Then, suddenly, we read a curious fact: "The King of Bohemia joined in [the] crusades, and it is an ironic fact that the great Prussian fortress of Königsberg owes its name to a Czech king" (p. 123). No Czech historian will understand why King Charles IV's son Václav is known as Wenzel (p. 152). The "Defenestration of Prague" of 1618 which started the Thirty Years' War is disposed of in a footnote (p. 231).

It is difficult to understand why this was published at all, considering its purpose and goal. The publisher should have considered the present shortage of paper and allotted it to a more worthy survey of Europe's history.

JOSEPH S. ROUCEK

University of Bridgeport

MATTHIESSEN, F. O. *From the Heart of Europe*. Pp. 194. New York: The Oxford University Press, 1948. \$3.00.

A more appropriate title for this book of opinions and impressions of a visiting professor of American literature would be "From the Journal of F. O. Matthiessen"; for it is a highly personal record with little or no pretense to objectivity. During the summer of 1947, the author joined the Salzburg Seminar in American Studies together with twenty-four other Americans including Margaret Mead, Alfred Kazin, and Ben Wright, to work, live, and play

with some one hundred European students at Max Reinhardt's famous Schloss Leopoldskron in Austria. Following the summer session there, Professor Matthiessen visited London and Paris briefly and then returned to central Europe to lecture on his specialty for three months at Charles University in Prague. Over this six-months' period he kept a record of his experiences and it is this record which appears in the book.

The chief purpose in writing this journal is stated in the first entry recorded in Salzburg which reads: "I want to write about some of the things it means to be an American today. That is the chief thing I came to Europe to think about." When the author reaches Czechoslovakia, he expands this purpose to include a desire to observe how that country was carrying forward its political revolution into the economic sphere. And in between assignments, Matthiessen sets forth some of his views on politics and education.

One learns that the author is a socialist, a supporter of Henry Wallace, an admirer of Tawney, Marx, Bertrand Russell, and that he shares his faith with Hewlett Johnson, Dean of Canterbury. He takes issue with such recently disillusioned literary radicals as Arthur Koestler, John Dos Passos, Granville Hicks, and André Malraux and dismisses each of them with a sharp critical comment; for while the author held them in high regard at one time, they have developed various defects which make them unacceptable now.

In Czechoslovakia, Professor Matthiessen apparently enjoys the privileges and prestige accorded a visiting professor. He lives at the Hotel Paris, has a light teaching schedule, goes to the theater, combines a speaking engagement with some traveling, and is much impressed with the friendly hospitality so characteristic of central Europeans. Though lacking a knowledge of the language, he soon discovers that there is nearly always some one who knows enough English to be able to carry on. Prior to the February *coup d'état*, this reviewer estimates that there were 10,000 people in Prague alone that had at least a smattering of English learned by means of British Broadcasting

Corporation broadcasts, private study, or attendance at one of the fifteen modern language institutes then functioning in that city.

When the author notes his impressions of the town, the theater, or his students and colleagues, his narrative is felicitously phrased, but when he ventures into the field of social observation, the validity of his judgments becomes less apparent. For example, here's his impression of the Dean of the Slovak University Law School: "He is not a Marxist, but a member of the Vienna school of 'finality,' which believes that it is completing Marxism by taking socialization for granted, and by shifting its emphasis from questions of purpose and means."

But particularly lamentable is the fact that Professor Matthiessen, who wanted to learn about revolution, should miss his big opportunity by leaving Czechoslovakia too soon. The February upheaval would have taught him much, particularly about the use of autocratic methods which are far removed from the religious socialism he professes. And then why he should insist upon including a misleading interpretative note of this event in the volume is difficult to explain. Contrary to what he calls "support" given by Beneš to the existing regime, President Beneš acceded to Gottwald's demand for the acceptance of the resignation of the Cabinet ministers only under duress.

In short, this is the journal of a literator of leftist persuasion whose manifest bias obscures much of the general value of the book.

FRANK J. LEWAND

Philadelphia, Pennsylvania

CRANKSHAW, EDWARD. *Russia and the Russians*. Pp. 223. New York: The Viking Press, 1948. \$3.00.

As a journalist, novelist, and literary historian the author has made an objective attempt to understand Soviet behavior in terms of Russian history and geography and has recorded his observations in this slender volume, *Russia and the Russians*.

Edward Crankshaw contends to have acquired considerable knowledge of the Soviet

Union during his wartime service with the British Military Mission in Moscow. Like many another British and/or American journalist, his travels in the Union of Soviet Socialist Republics and his contacts with key people were decidedly limited. Nevertheless, the author succeeded in writing a brilliant essay on some essentials of Russian history *before* the Revolution, with particular emphasis on the geographical factors and climatic conditions which are responsible for developing Russian national characteristics as well as Russian political, social, and economic attitudes and causes of the peoples' behavior. He does not mention the fact that the Russian people *do not* have any voice in any manner, shape, or form in formulating and effectuating Soviet policies at home and abroad.

In eloquent phrases and catchy clichés the author attempts to explain the impact of Marxian doctrines, as expounded by Lenin and further interpreted by Stalin, on the Russian people. Crankshaw continually emphasizes the role of Communism as a new religious faith and illustrates to what degree this new religious dogma has succeeded in solidifying the people, especially the dominant group, into a dynamic and cohesive force within the Soviet system.

Almost two-thirds of the book, Sections II and III, are devoted to descriptions of the Russian land mass and its inhabitants. In the chapters "The Mighty Plain" and "Who Are These Grey Masses?" the author records brilliantly insights into Russian traits and social milieu. And, curiously enough, like many another gifted journalist and keen observer, Crankshaw falls into contradictions and seems to fail miserably when he attempts to synthesize his own observations into a concrete program of action designed to avoid a third world war, specifically, a war between Soviet Russia and the United States. His thesis is that we must either "conquer or love" Soviet Russia. He sees no compromise or middle ground for the prevailing seriously deteriorated relations between these two great powers. His contention is that: "Unless we can reach a *modus vivendi* with the Russians our civi-

lization will not survive the next critical half-century. That much is self-evident. There are only two ways of achieving a *modus vivendi* with another country, just as there are only two ways of achieving a *modus vivendi* with another human being: by conquest or understanding—or, in the old-fashioned monosyllable, love” (p. 10).

The occupants of the Kremlin would “love” these panegyrics. Equally contradictory, and not befitting the author’s intellectual status, are these diametrically opposed generalizations: “But the Stalin Constitution is neither a thumping lie nor the charter-deeds for Utopia. It is the expression of a Russian way of life based on Socialism and moving towards Communism” (p. 170). . . . “In our struggle for development and survival as a civilization the anti-liberal Russian people have contributed with unmeasured blood and suffering to our salvation from the Tartars and the Turks on the one hand, and on the other from Napoleon, Prussia, and Nazi Germany” (p. 223).

In reading these paragraphs the temptation to challenge Crankshaw on Russia, especially his thesis “conquer or love,” is almost overpowering. As far as the record indicates, there has never been any love lost between the United States and Great Britain, nor between the United States and Argentina. Yet, the United States has never set out to conquer either Great Britain or Argentina. It follows, therefore, that the thesis suggested by Mr. Crankshaw, namely, “conquest or love,” has not been historically substantiated, nor is it within the realm of possibility to be substantiated within the visible future. Moreover, Crankshaw himself hastens to observe that “any pretense that we can share our responsibility effectively with Sweden or Argentina, or even with France, is at best self-deception, worst hypocrisy.”

Having devoted most of the volume to generalizations about Russian geography, peasantry, and Russian national characteristics, the author makes the categorical observation that those who matter most today are the urban youth under thirty years of age because they constitute the core and kernel of contemporary Soviet Russia. This is also the reason “why it is impor-

tant to know something about the youth of Russia today, and that is why we must say farewell for a time to the conception of the eternal peasant who dwells in the plain. For this youth (under thirty), which is now beginning to take to itself the commanding position in the country, which, as far as Russia affects the outside world, is beginning to be Russia, has different ideas. It has ideas imbibed from Lenin, then from Stalin—who were neither of them eternal peasants. It is the creation of Lenin and Stalin. And it is a lively creation, to say the least” (p. 159).

As a sincere British Social Democrat (leftist) and brilliant intellectual, Crankshaw writes creatively and persuasively. His reporting and descriptions of the plains and peasants are eloquent; but his analysis of the social forces at play within the Soviet system adds up to poetic nonsense, which, in turn, cancels out some of the many things in the book that do make sense and are of decided value. Inadvertently or objectively, Crankshaw failed to mention or comment on the heart of the subject; namely, the *Politburo*, which is Russia as far as world power politics are concerned.

CHARLES PRINCE

New York City

SIEGFRIED, ANDRÉ. *The Mediterranean*. Translated from the French by Doris Hemming. Pp. 221. New York: Duell, Sloan and Pearce, 1948. \$3.00.

When the publishers of the English translation of André Siegfried’s *The Mediterranean* tell us in the jacket blurb that “this book is a history of the Mediterranean and its peoples and the civilizations which grew and dwindled there,” they are completely misleading. The book is in no sense a history. It is rather an interpretation of contemporary Mediterranean civilization, with many delvings into the historical and geological past for explanation, and it is the economic aspect of the civilization that is especially stressed. There is less quarrel with the publishers’ contention that the book is a work of “rare literary distinction.”

Perhaps the happiest feature of Professor Siegfried’s study derives from his com-

bination of talents as economic geographer and man of letters. The statistics and cold facts of the one are blended with the skill and sensitive appreciation of the other. "Literature, poetry, painting, and even an analysis of odours and perfumes are indispensable to geographical comprehension," he feels, and the spirit of his book is based on this broad approach, even if the emphasis is somewhat narrower.

In his insistence upon the past, present, and even future existence of a distinct Mediterranean civilization, where "the shades of difference are less important than the resemblances," the author goes farther than most students who have dwelt on the unity of Mediterranean culture. He expresses this unity in terms of landscape and scenery, in economic activity, and in "a certain conception of values, leading on to a certain conception of the individual and the work done by the individual," and explains it in terms of geography and climate. The boundaries of this Mediterranean civilization, although sharply marked by the Straits of Gibraltar, the Suez Canal, and the African desert, are less clearly defined elsewhere, but all the bordering countries share the essentials of the civilization to a greater or less degree.

Although Siegfried comes back again and again to the unity of Mediterranean civilization, his point of view is never a local one. He is concerned with the place of Mediterranean civilization in and its influence on Western civilization, and with its relationships to other civilizations. He relates the Mediterranean "highway" to the world at large. And he is concerned with the role of Mediterranean economy in a mechanized, industrial age which has almost, but not entirely, passed by the Mediterranean because of the area's lack of coal and iron.

But coal or no coal, Professor Siegfried's faith is in the ability of the Mediterranean people to adapt themselves to changing conditions, and his convictions are based on the economic geographer's data which prove the continuing commercial and strategic importance of the Mediterranean.

JOSEPH J. MATHEWS

Emory University

ANCHIERI, ETTORE. *Costantinopoli e gli stretti nella politica russa ed europea*. Pp. 268. Milan, Italy: A. Giuffrè, 1948. Lire 660.

This is a substantial and, in general, a carefully documented survey of the role of the Turkish Straits in European politics between the Russo-Turkish Treaty of 1774, which opened the Black Sea to the merchant vessels of a non-Ottoman power, and the Italian adherence to the Montreux Convention, in 1938. In it emphasis falls about equally on the changing status of The Straits, as an indicator registering the strategic and political pressures of the great powers, and on the interpretation of the major international acts which have regulated the legal status of this important waterway. Inevitably it also deals in considerable detail with the development of the Balkan and Near Eastern questions during the last century and a half, as they have impinged upon the policies of the great powers towards Turkey itself.

The weakest part of the study is that devoted to the problem of The Straits between 1828 and 1856. Apparently the author is not aware of the American and English studies of this period and has relied heavily on Goriainov's tendentious selection of source materials in interpreting the negotiations of 1833, 1839-40, and 1853. For the period 1870-1902 he follows closely the studies by William L. Langer, and for 1914-17 the Russian documentary series, with the notable omission of *Greece and the Great Powers*, edited by E. A. Adamov.

In his treatment of Italy's subsidiary role in The Straits question, Anchieri has clarified the sequence of steps through which Rome adhered to the three-power agreement of March 1915, the interplay between Italian, French, and Russian ambitions in Anatolia, and the about-face of British policy in 1918. He has also given an acute analysis of the proposals and maneuverings of the great powers and Turkey at the conferences of Lausanne and Montreux. Anchieri's study is a systematic treatment of the modern history of The Straits, based upon a discriminating use of most of the works and sources and upon an acute sense of legal distinc-

tions. It has not opened up any unused sources and its conclusions are original only in detail and emphasis.

PHILIP E. MOSELY

The Russian Institute of  
Columbia University

WOLF, CHARLES, JR. *The Indonesian Story: The Birth, Growth and Structure of the Indonesian Republic*. Pp. x, 201. New York: The John Day Company for the American Institute of Pacific Relations, 1948. \$3.00.

This book fills a real need, since it is one of the very few that supply first-hand information about the Indonesian Republic. The author was American vice consul in Batavia during 1946 and 1947, and he knew both the Dutch and the Indonesian leaders. The book, which is published under the auspices of the American Institute of Pacific Relations, is a valuable addition to our knowledge of an important subject.

The author begins with a brief account of prewar nationalism and its intensification during the period of Japanese occupation. Some of the leaders of the present Republic, such as Sjahrir, built up a Javanese resistance movement, while President Soekarno and others collaborated with the Japanese. After their defeat the two groups combined to establish the present Indonesian Republic in Java and Sumatra. The author is uncertain whether Soekarno really collaborated, or whether as he claims he merely pretended to do so in order to make use of the Japanese. Mr. Wolf is on firm ground when he argues that even if Soekarno genuinely collaborated, he cannot be judged by the same standards that apply to a Laval or a Quisling.

The infant Republic had a stroke of good fortune when the East Indies were transferred from General MacArthur's to Lord Louis Mountbatten's command. The British did not have enough ships to move their troops, and it was not until the end of September 1945 that they were able to send a small force to Batavia. The six weeks' delay enabled the Republic to establish its administration and arm its troops with Japanese equipment. Mr. Wolf believes that the British were in a situa-

tion where armed conflict was inevitable. All the United Nations recognized the Dutch as the lawful government, and for this reason the British could not formally give recognition to the Republic. Neither could they forbid the Dutch to bring in officials and troops. This made the Nationalists suspicious of the British, and a further complication was that the 200,000 prisoners of war whom they had orders to liberate were imprisoned on Republican territory. Inevitably fighting broke out, but the British restricted it as much as they could and did their best to persuade the Dutch and the Nationalists to come to terms with one another. The author considers that they laid the foundations for the agreement on broad principles which was finally reached in 1947.

The attempt to translate these principles into concrete practice finally broke down because neither side trusted the other. In 1947 the Dutch Army drove the Republican forces out of the most valuable part of their territory, and the interminable negotiations were resumed at the orders of the United Nations. They are still in progress, but the Dutch are in a stronger position since they now hold the richest parts of Java and Sumatra.

LENNOX A. MILLS

University of Minnesota

PURCELL, VICTOR. *The Chinese in Malaya*. Pp. xvi, 327. London and New York: Oxford University Press under joint auspices of Royal Institute of International Affairs and the Institute of Pacific Relations, 1948. \$6.00.

Dr. Victor Purcell was exceptionally well qualified to write the history of the Chinese in Malaya. He was a British official there from 1921 to 1946 and held the post of Protector of Chinese, which means that he speaks the language and knows the people as well as any Westerner can ever hope to do. In his spare time he acquired a Ph.D., and is thus an unusual blend of the man of thought and the man of action. The book is based partly upon a very thorough study of everything that has been written upon the subject, and also upon the author's own experiences in Malaya and China.

The first section gives the history of Chinese settlement in Malaya, from its small beginnings in the fifteenth century to about 1900. They were traders and later tin miners, and prior to the British foundation of Singapore in 1919 they were few in number. Not many went to the Malay States of the peninsula. The chances of making a fortune were good, owing to the Malays' lack of a business sense; but the probability of a violent end was equally strong. The great influx came after the 1870's, when the British had taken over control and made the Malay States safe for the Chinese. Then they poured in by the hundreds of thousands, until they outnumbered the Malays, and created a racial problem which may turn Malaya into another Palestine.

The second section of the book is made up of chapters on Chinese religion, relations with the British, economics, labor, education, secret and political societies. The account of how the authorities finally broke the power of the criminal secret societies should be read with interest by any American chief of police who is plagued with tong wars. Much more serious is the problem raised by the Chinese vernacular schools and the Malayan branches of the Kuomintang political party. The aim of both is to make sure that the Chinese shall continue to regard themselves as loyal citizens of China, living in temporary exile abroad until they can afford to return home. Dr. Purcell points out that the British policy of creating a Malayan democracy based upon equal rights and loyalty to Malaya will fail, unless the Chinese accept the obligations of citizenship in the country to which they have immigrated.

The concluding chapters deal with the Chinese during the Japanese invasion and since the end of the war. The author shows that the Chinese gave the British all the assistance against the Japanese which could have been expected of unarmed and untrained civilians. In the postwar period the former harmonious coexistence of Chinese and Malays has been replaced by antagonism based on religion, economics, and nationalism. The Chinese Communists are trying to paralyze recovery and over-

throw the government with the aim of setting up a Soviet republic.

Dr. Purcell writes so impartially that the book gives no indication of whether he is pro-Chinese, Malay, British, capitalist, or Communist. He merely states the facts and leaves the reader to draw his own conclusions. There is an immense mass of detail about everything from how to appease underfed ghosts from hell to the details of the Malayan Constitution of 1948. Yet the writer is so completely master of his subject that it is easy to follow the main trends of development. His book will be the authoritative work on the Chinese of Malaya for a long time to come.

LENNOX A. MILLS

University of Minnesota

HSU, FRANCIS L. K. *Under the Ancestors' Shadow: Chinese Culture and Personality*. Pp. xiv, 317. New York Columbia University Press, 1948. \$3 75.

Francis L. K. Hsu's book *Under The Ancestors' Shadow* is a welcome addition to the five-foot shelf of social anthropology. The fact that Columbia, under the influence of Ralph Linton, has recently published several monographs in the study of Chinese community has clearly indicated a new trend in America in her desires to come to a firm understanding of the Chinese people, an understanding based upon true scientific facts rather than dependent upon the ups and downs of political climate. It, furthermore, demonstrates how important a contribution the social anthropologists can make toward solving the sore problem of international relations—a clamoring need long felt by many social scientists, and one which echoed through the annual meeting of the American Sociological Society held in New York City, December 28-30, 1947. (See W. Rex Crawford's paper in the *American Sociological Review*, June 1948, pp. 263-78.)

The author claims to do three things: (1) to give a description of a small semi-rural community in southwest China which he calls "West Town," the culture of which he analyzes with particular reference to its patterns of family and religious life; (2)

to explore the role played by this culture in the personality formation of the individuals who make up the community; and (3) to apply his findings to Chinese society as a whole, both past and present (see Preface). Dr. Hsu is to be congratulated in so successfully executing his first task, which consists of eight chapters (Chaps. II-IX), covers 226 pages, and gives vivid description to every minute detail. In reading Chapter X on "Culture and Personality" one does not miss the strong influence of Linton in all the concepts the author employs, i.e. basic personality configuration and status personality configuration, authority and competition, sex, age, status, etc. His generalization, however, does not sound very plausible. He seems to have been swept away by the old Chinese concept of cyclical and dynastic periodicity, and to have oversimplified the network of social relationship in Chinese society by *configuring* everything upon the "father-son relationship" alone.

Furthermore, Yunnan is one of the most backward frontier provinces of the Republic of China. From the viewpoints of its racial origin, its many social customs, occupations, religious practices, and so forth, it is as doubtful to say that West Town is a "typical" Chinese community as to say that Middletown is a typical American community. However, if its typicalness must be proclaimed, one would more likely find it in the fact that West Town is symptomatic of a centuries-old Chinese society in the midst of social disorganization as a result of culture contact with the outside world. Therefore, in the reviewer's opinion, an accompanying study of acculturation would perhaps provide us with a better key to the understanding of the Chinese society than trying to search for the ancestral thread under the shadow.

DAVID CHENG

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Foochow, China

One of the most marked and notable differences between the First and Second World War is the relative degree of attention paid to diplomatic origins. We have whole libraries dealing with the so-called "war guilt problem" of 1914, and the argument still proceeds among diplomats and historians as to the relative responsibility of the Austrian, German, Russian, and British governments in that crisis. For the diplomatic crisis of 1939, ushering in an even more terrible conflict, we have, indeed, a number of personal memoirs, collections of diplomatic state papers, the reports of the Nuremberg trials, and textbookish general accounts, but very few analytical works comparable to those of Bernadotte Schmitt and S. B. Fay for the earlier war. This makes the study of the war's *Diplomatic Prelude* by Professor Namier of Manchester University of exceptional importance. No complete library of modern diplomacy can afford to omit it.

This does not mean that Professor Namier offers any new or startling views on the origins of the war; anyone who has read, for example, Winston Churchill's *The Gathering Storm*, or Grigore Gafencu's *Last Days of Europe*, will recognize the same sad tale of inadequate European statesmen who hoped that Hitler would be stopped without their exertion "by saturation, exhaustion, the resistance of others, or the mere chapter of accidents" (p. ix); of a Poland too proud to treat with Russia, of a Russia too suspicious to trust any ally, of a defeatist France, of a Chamberlain who dared not look reality in the face, of a Mussolini who envied Hitler and so tried to emulate him, and, above all, of a Hitler who boasted that "Right does not matter, but Victory" (p. 303). The author shrewdly remarks that the bungling British Conservative Government of Chamberlain, Halifax, and Henderson had not even the selfish nationalistic realism of the true Tory: "The official 'Conservative' leaders of 1938-1939 were mostly ex- or semi-Liberals of middle-class, Nonconformist extraction, whose Liberalism had gone rancid—anxious businessmen lacking imagination and understanding even in business" (p. 148).

NAMIER, L. B. *Diplomatic Prelude, 1938-1939*. Pp. xviii, 503. London: Macmillan and Company; New York: The Macmillan Company, 1948. \$5.00.

The special value of Professor Namier's book lies in its careful workmanship in detail. He corrects the English translations of official documents in the blue books in many places (e.g., the footnotes on page 379). He tries to fix the timetable of Hitler's decision to make war on Poland (pp. 212-17, 338-39). He examines in the second part of his work the occupation of Prague, the negotiations of the Swedish amateur diplomat Dahlerus, the relations between France and Poland, and the view of Italian policy reflected in the Ciano diary. These monographic studies fitly round off the main narrative of the book, which is concerned with the official state papers issued by the belligerent governments.

PRESTON SLOSSON

University of Michigan

CARR, E. H. *International Relations Between the Two World Wars (1919-1939)*. Pp. viii, 303. London: Macmillan & Company Ltd., 1947. \$2.25.

This slender tome, unhappily, is an admirable illustration of what reputable authors and publishers should strive earnestly to avoid. E. H. Carr, talented editorial writer for the *London Times*, Wilson Professor of international politics in the University College of Wales, and author of such notable books as *Michael Bakunin*, *The Twenty Years' Crisis*, and *Conditions of Peace*, published in 1937 a small volume entitled *International Relations Since the Peace Treaties*. It had merit as a brief narrative of post-Versailles diplomacy and was shrewd and provocative in its treatment of reparations, the Great Depression, and the Manchurian crisis. Professor Carr has here reproduced his earlier book, virtually unchanged, and tacked onto it twenty pages purporting to deal with the diplomacy of 1937-39.

These added pages are wholly lacking in the literary distinction, political perspective, social insight, and psychological acumen which readers have come to expect from their author. What is worse, they show no evidence whatever of any use of the abundant documentary materials available on prewar diplomacy in 1947, nor even of the various official publications and

memoirs published in 1939-40. Neither, alas, do they show any marks of industry, thought, or well-considered purpose. The publishers have presented this feeble effort as a "revision" of the earlier volume. It is nothing of the kind. They have quoted on the jacket much praise in the British press—with each quotation, when checked, turning out to be comment on the book of 1937 and not on the book of 1947.

American scholars can only say to Professor Carr and to Macmillans of London: We respect you. We admire you. We are sorry and ashamed at this curious and deplorable performance. Please don't do such things. And please, Dr. Carr, when you have time for careful research, for serious thinking, and for the analytical and stylistic accomplishment in which you excel, do write a book on "International Relations between the Two World Wars." It will be worth writing and worth reading. This little piece of ersatz is neither.

FREDERICK L. SCHUMAN

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RECASÉNS SICHES, LUIS, CARLOS COSSIO, JUAN LLAMBIAS DE AZEVEDO, and EDUARDO GARCÍA MAYNEZ. *Latin-American Legal Philosophy*. Pp. xxxvii, 557. Cambridge, Massachusetts: Harvard University Press, 1948. \$6.00.

The works translated herein are among the best yet written in Spanish on the problems of legal philosophy. There is, of course, no Latin-American philosophy of law, as one may perhaps infer from the title given to this book. European philosophy is very closely followed by nearly all legal philosophers in South America. It is precisely this fact that sets apart North American and South American writers on jurisprudence. Moreover in Spanish America the main influence, by far, comes from German philosophical ideas. Neo-Kantianism still forms the background of philosophical speculation. Its radical separation of "value" and "reality" is uniformly accepted. The phenomenological philosophy of values, as worked out by Scheler and Hartmann, and the philosophy of "life" and "existence" stemming from Heidegger and Ortega y Gasset, have



had an almost overpowering influence. Strange as it may seem, French thought has left almost no traces in recent writings on legal philosophy in South America, and even less influence can be detected from contemporary English philosophers (Whitehead, Russell, Alexander).

The translation of Recaséns' treatise is undoubtedly a wise choice. It is one of the best works on the philosophy of law ever published in Spanish. However, the translation of the Introduction to Cossio's "Egological Theory of Law" does not give an adequate view of the theories of this leading Argentinian philosopher of law. Furthermore Cossio has written a book on judge-made law in which he applies his legal philosophy to some of the problems of greatest interest to the American jurist and lawyer. This book (*Law in Judge-Made Law*) would have been perhaps a wiser choice from Cossio's works.

It is encouraging to find in the works of these two authors, as well as in the translations of García Máynez's works included in this volume, a persistent effort to go beyond Kelsen's pure theory of law. All these writers reject Kelsen's amputation of all the problems of juridical evaluation from a scientific theory of law. But this does not mean that they have rejected Kelsen's views at all. Their attempt is not to abandon Kelsen's pure theory of law, but to supplement it by a study of juridical values. Therefore the basic dichotomy between "value" and "reality" postulated by Neo-Kantians like Kelsen is also their starting point. Only the meaning of this distinction is changed. Following the phenomenological method they believe that values can be studied scientifically, although not by the same means which serve for the scientific study of reality. Values are grasped through intuitions, not by empirical and rational analysis.

Such an attempt to reunite the realms of value and reality through self-evident intuitions of absolute and universal values and their hierarchy, is a vain effort to escape from the seemingly irrational nature of values by sheer dogmatism. We may heartily agree with Recaséns' assertion that the values inherent in human dignity are superior to collective values, or to the

values of religion. But it seems that he has offered no convincing proof that such hierarchy of values is an objective or universal feature of the realm of essences. Indeed if the true and the false intuitions of essences cannot be distinguished by any inductive or deductive reasoning, but merely by a self-evident "apprehension," then it is difficult to see how he could communicate any proof about values to others. The truth is that we are left without any rational means of realizing a basic agreement about values and their hierarchy. Thus the irrational nature of valuation asserted by Kelsen has not been explained away. Only Kelsen's relativism has been substituted by a thoroughgoing dogmatism about values.

A sociological approach to values may prove more successful. Juridical values, which are largely instrumental and not ultimate values, may be subjected to this type of analysis much more easily than other kinds of values. However, as long as the strict separation between value and reality is accepted as a starting point, the sociological outlook seems bound to fail. And we must learn to stop looking for ultimate criteria of juridical evaluation at the very beginning of our search. Free from those chains, a sociological study of the mechanisms which create values, of the conditions under which values are incorporated into our legal institutions, and of the consequences of acting in accordance with certain legal values, may carry us a long way towards solving the problems met by those who seek to give a rational basis to value judgments in the law.

LINO J. SALDAÑA

University of Puerto Rico

BARON, SALO WITTMAYER. *Modern Nationalism and Religion*. Pp. x, 363. New York: Harper & Brothers, 1947. \$5.00.

Despite dictionary reductions of the meaning of *nationalism* and of *religion*, these two terms incorporate such vast networks of ideas that any book dealing with their co- and interrelationship must first seek to bring some clarity into chaotic interpretations. This alone would have taxed many a mind, but Dr. Baron man-

ages to fulfill the promise by analyzing the social and nationalistic revolutions, thinking through formative, "heroic" nationalism as represented and developed in Rousseau, Burke, Jefferson, Fichte, and Mazzini and then on through the extremists Maurras, Mussolini, and Rosenberg.

The pursuit of Dr. Baron's objectives in denominational religion is more difficult, however, and so that problem is approached, if not finitely solved, through an examination of the strong and weak points of Catholic interterritorialism, Protestant individualism, Greek-Orthodox caesaropapism, Jewish ethnicism in some field of present-day friction and unrest. Many peoples of the world have long looked to religion of whatever creed to furnish the incentive—that set of tenets upon which to build a permanently peaceful world society. And Dr. Baron believes and seeks to show that it is within the organized religions of the Western World to create a premise where international understanding and individual inviolability will be recognized and practiced. Such a supposition is encouraging and Dr. Baron instills a quantum of optimism by tracing and explaining the interrelationship if not interdependence of all religions and the modern state. To speak today of a national or even a supranational religion is not easy, as we think too readily only of the degenerative extremes in fascism and Nazism, but Dr. Baron does treat of this subject. He goes on to tackle the vicissitudes of the Soviets' national and religious policies. To this reader, only the discussion of Zionism falls short, for it minimizes the tremendously influential emotionalism which has been accentuated further by the world's miserable treatment of the remnant of Europe's Jewry. On the whole, however, no more intensely scholarly or readable book on the subject could have been written. It is noteworthy that this volume is the outgrowth of the Rauschenbusch Lectures (1944) at the Colgate-Rochester Divinity School, and that the author, an Austrian, has since 1930 held the chair of Jewish history and literature at the Miller Foundation of Columbia University.

Concludes Dr. Baron: "While stressing individual beliefs and observances and at

times, overemphasizing parochial duties and attitudes, they [religions] have also taught man to think in terms of a universal godhead, the cosmic relevance of even minutiae of ethical behavior and the essential nature of an all-human brotherhood." At no time in history has the teacher and the minister had a greater challenge and responsibility to set the pace, "to create that large-scale climate of public opinion requisite for the creation of a constructive world."

BORIS ERICH NELSON

University of Massachusetts  
Fort Devens, Massachusetts

FRIEDRICH, CARL J. *Inevitable Peace*  
Pp. xii, 294. Cambridge, Massachusetts  
Harvard University Press, 1948. \$4 75

Professor Friedrich's brilliant and scholarly analysis of the principles underlying Immanuel Kant's *Essay on Eternal Peace* should be compulsory reading for every scholar and statesman who presumes to speak of peace or war. As Professor Friedrich suggests, the "close parallel between the underlying ideas of the United Nations Charter and Kant's philosophical approach to the problems of lasting peace suggests the possibility that considerable perspective on the United Nations may be gained by examining in greater detail the pattern of ideas in which the Kantian position is cast."

Kant's *Essay on Eeternal Peace* is important not only for its outline of the specific conditions necessary to ensure peace among the nations, but also and in even greater measure for its analysis of the philosophical principles which underlie these conditions of peace. The fact that Kant's "preliminary" articles are negative in character serves to show how far the actual conduct of international relations falls short of those standards required to ensure eternal peace. The "preliminary" articles require:

1. "No treaty of peace shall be held to be such which is made with the secret reservation of the material for a future war." The mere fact that a maxim must be kept secret to be effective demonstrates that it is *prima facie* incompatible with

true political morality. And, says Kant, "The fact that the maxims of international law are not compatible in principle with publicity constitutes a good sign that politics and morals do not agree."

2. "No state having an independent existence, whether it be small or great, may be acquired by another state through inheritance, exchange, purchase or gift." This article arises necessarily from the Kantian precept, "Act in such a way that you are using man, whether it be your own person or that of any other, at all times as an end in itself, never merely as a means."

3. "Standing armies shall gradually disappear."

4. "No debts shall be contracted in connection with the foreign affairs of the state." This article does not preclude the obtaining of money either from within or without the state "for purposes of internal development." It is only when foreign debts are used "as an instrument of the struggle between the powers" that they are dangerous. It would be interesting to speculate on what Kant's attitude would be today toward the Marshall plan. Would he have regarded it as "an instrument of the struggle between the powers," and hence dangerous to peace? It is regrettable that Professor Friedrich nowhere discusses the implications of this article.

5. "No state shall interfere by force in the constitution and government of another state," unless internal dissension has reduced the state to a "condition of anarchy."

6. "No state at war with another shall permit such acts of warfare as must make mutual confidence impossible in time of future peace; such as the employment of assassins, of poisoners, the violation of articles of surrender, *the instigation of treason in the state against which it is making war, etc.*" (My italics.) These, says Kant, are "dishonorable stratagems," for "some sort of confidence in an enemy's frame of mind must remain even in time of war, for otherwise no peace could be concluded and the conflict would become a war of extermination" and "would allow eternal peace only upon the graveyard of the whole human race." If this mutual trust is essential to survival in time of war, it is at

least equally essential in time of "peace" or cold war.

In the second section of his essay Kant outlines what he calls the "definitive articles for eternal peace among states." These include the following affirmative principles of government and law:

1. "The civil constitution in each state should be republican. . . ."

2. "The law of nations (*Völkerrecht*) should be based upon a federalism of free states."

3. "The cosmopolitan or world law shall be limited to conditions of a universal hospitality."

Space forbids even a summary of these sections of Kant's immortal essay, but they should be read by every citizen seeking to understand the necessary conditions for a lasting peace.

"Two things fill me with ever renewed wonder," said Kant, "the starred heaven above me, and the moral law within me." Among the commands of the moral law is one that says, "War ought not to be."

The very idea of moral law that says man *ought* to do something and not simply that he *must* do something implies a freedom to choose among alternative courses of action, even though the natural world in which he lives is wholly determined. Hence, as Friedrich says, "no conclusions can be drawn from what happens in the realm of nature regarding what ought to happen in the realm of freedom." War may be a phenomenon of nature and, unless man wills it otherwise, may be inevitable. But men who through reason understand the causes of war can through reason find its cure. Within the limits of the materials that nature places at his disposal, man can and does make his own history. Since war is a "scourge of mankind," the abolition of war is a duty which reason discovers in the moral law.

Professor Friedrich, with great learning and subtlety, examines the theoretical foundations of eternal peace in the light of Kant's underlying philosophy. Those familiar with the scope and complexity of Kant's system will realize that this is a project of vast dimensions, for which Professor Friedrich is eminently qualified. In the course of his discussion he brings an

original and creative mind to bear upon such giants as Hegel, Hobbes, and Hume, Grotius, Spinoza, and Rousseau; Marx, Veblen, and Freud—to mention but a few. Only one who has not only studied the history of philosophy and the philosophy of history, but who has participated in the so-called “practical” world of politics and statecraft, could have written this book.

PETER H. ODEGARD

University of California

BRINTON, CRANE. *From Many One: The Process of Political Integration and the Problem of World Government*. Pp. vi, 126. Cambridge, Massachusetts: Harvard University Press, 1948. \$2.25.

In the spring of 1947 the author delivered three lectures at Pomona College dealing with the process of political integration as exemplified in the political union of independent states under one sovereignty. The present book grew out of previous research and out of the Pomona experience with an audience and individual groups of students “very far from passive.” The essay is a challenge to “the idealists in a hurry.” The world they envisage—wise enough to eliminate war in the foreseeable future—is not for those whom Rousseau called the children of Adam and whom Mark Twain denounced as the “damned human race.” In fact the World Federalists and other “extremists,” “perfectionists,” and “either-or” folk are here shown the facts of life from an appeal to history. The author surmises that *Homo sapiens* will probably be tough enough to survive an atomic war but not intelligent enough to prevent it. Urbane, but coolly skeptical of man’s ability to achieve a global peace by taking thought, he is not at all disposed to believe that the next war, which he expects to break out in perhaps forty or fifty years, will do more than put a sizable dent in civilization. On the other hand he is somewhat concerned, should the World Federalists by some outside chance succeed in getting an agreement for a world state, at the harm which its certain and complete failure would do to mankind. We can perhaps all rest assured that no such grand design has even a remote chance of general accept-

ance. Perhaps our real concern should be that, as the Declaration of Independence phrases it, “mankind are more disposed to suffer while evils are sufferable than to right themselves by abolishing the forms to which they are accustomed.”

The author’s pessimism as to the realization of universal peace grows out of his dispassionate analysis of the operations of *Homo sapiens* on the planet for five thousand years of recorded history. During this time man has succeeded in political construction on the federal or imperial principle in certain areas for longer or shorter periods. Nevertheless he is far from giving evidence of the capacity to achieve one world in which the various and vastly dissimilar political and social communities will accept one law and live together in peace in some form of world state. Nor does the author believe such a conclusion is likely to be invalidated by variables such as a shrunken earth, different and important techniques in modern large-scale industry, and the atomic bomb. Human behavior in the present as well as in the past indicates that the future is likely to follow the lines of the past.

FRANK M. RUSSELL

University of California

PARK, NO-YONG. *The White Man’s Peace: An Oriental View of Our Attempts at Making World Peace*. Pp. viii, 252. Boston: Meador Publishing Company, 1948. \$3.00.

The vast literature on world peace may be grouped under two classifications. The self-styled “realists” recognize basic conflicts and recommend adjustments, accommodations, balanced spheres of influence, and similar palliative measures which, it is hoped, might soothe animosities and further international co-operation. The other type is characterized “idealist” by persons of contrary views. Such writings emphasize the dangers of piecemeal efforts, particularly in this age of “lightning” war. Rational programs of total peace are outlined, and the reader is invited to choose between the proffered solution and scientific destruction. Dr. Park’s contribution belongs in the latter category, but he would deny vehemently that his program is

wanting in realism. Indeed, he would insist that the road he charts is the true path to world peace.

The author's thesis is crystal clear and quite simple. The cause of war, he maintains, is international anarchy. Thus "all the so-called economic wars, like all other wars between states, are born of international anarchy" (p. 89). This anarchy "is the sole cause of war—the ultimate breeder of all warlike cultures and institutions" (p. 3). The author is, of course, aware of the evils of militarism, chauvinism, economic imperialism, unrestrained sovereignty, and the rest. But he assures the reader that these are only superficial excrescences or secondary factors which would readily yield to compromise once the primary and ultimate cause was removed.

The solution proposed by Dr. Park is equally simple. All that is necessary is for each of the states of the world, particularly the great powers, to abandon its individual search for national security and to co-operate in the maintenance of collective security through orderly world government. If this is done, the economic, national, and ideological difficulties—secondary and superficial causes of war, in the view of Dr. Park—will present no obstacles to world peace. If, however, the statesmen prove obdurate, common catastrophe or domination by a world conqueror will be the price of blindness and stupidity.

Dr. Park has faith in the outcome. He believes that the white men with their scientific achievements and genius for organization can banish war. "They might surprise the entire world one of these days," he tells us, "by eradicating not only their own eternal 'Christian' wars, but also the 'pagan' wars, which have tortured mankind from the immemorial" (p. 4).

The author's emphasis on the dangers of international anarchy and on the need for world order and justice is sound enough. So is his insistence upon total peace, as against local and partial adjustments. But all this is hardly novel. There is no material difference between this "oriental view" and that propounded by numerous Westerners. Dr. James T. Shotwell, to cite one example, has underscored these truths with rare clarity and lucidity in a

recent book. The uniqueness in Dr. Park's view is his limited conception of international anarchy and his reliance upon the "will" to peace of the statesmen and peoples of the world. He apparently believes that the peacemakers can turn their faces away from the unseemly mess of present and past conflicts and create world harmony by means of a tour de force of will power. And this tendency to oversimplify the causes of world tension is the major weakness of the book.

When international anarchy is characterized as the primary and *sole* cause of war, the definition of the term becomes basic. The author seems to equate international anarchy with the absence of world government and international co-operation. But that merely labors the obvious by arguing that international conflict is caused by the lack of international co-operation. Nothing is gained by ignoring the interactions of economic and national objectives or by designating them superficial causes of war. It would have been far more fruitful to identify international anarchy with economic imperialism, militarism and military alliances, chauvinism, and trade rivalries as well as with a politically planless world.

It is similarly obvious that war might be banished by a universal will to peace. But it is the absence of this will to peace which must be analyzed and grappled with. The will to peace or lack of it lies deeply embedded in the agreements and disagreements among the nations of the world. One cannot isolate the will to create a world government from the economic, national, and ideological factors which have bedeviled efforts at co-operation. To relegate these causes of conflict to a secondary position and then to argue that war is caused by the absence of a will to peace is to beg the question.

The reference to the present conflict between Russia and the Western world is a case in point. Dr. Park asserts that the fear of insecurity causes both groups to resort to domination, and argues further that an effective world security organization would remove the fear of insecurity. Of course. But what is it that hampers the United Nations from becoming an ef-

fective body for world security? Is it the sheer absence of the will to co-operate?

We are told that the great powers, "notably Russia," refuse to work together. What then is to be done about it? True to his faith in the will to peace, Dr. Park offers fatherly advice to the Russians in the form of a speech that, he says, Henry Wallace should have made (pp. 243-44). If *Pravda* takes note of this, there is every likelihood that Dr. Park will be denounced as a warmonger.

There is no short cut to world peace. Economic rivalries, imperialism, militarism, chauvinism, and unlimited sovereignty remain fundamental causes of war. We can only hope to cope with these problems through the United Nations and gradually, painfully to create the atmosphere for international co-operation.

OSCAR I. JANOWSKY

The College of the  
City of New York

WALLACE, HENRY A. *Toward World Peace*  
Pp. 121. New York: Reynal & Hitchcock, 1948. \$1.75.

Henry Wallace is a farmer. He has increased corn production in America appreciably by the discovery of hybrid corn. As Secretary of Agriculture he promoted the program of soil conservation and scientific agriculture more effectively than most occupants of that post in American history. It is natural, therefore, that in addition to the moral arguments for peace which he holds, he should say with greater clarity and conviction to us today than Herman Goering did to the Germans, "You can't have guns and butter."

He has caught glimpses of a world free from hunger and the quest of that world, so much in our purview during the thirties, still haunts him. To read this book helps to remind one how our intellectual and psychological climate has changed. He feels that instead of our concern for world abundance we have turned to quest of world power—something entirely different.

Obviously the power complex cannot be discussed today except in terms of the United States and the Union of Soviet Socialist Republics. For in these two countries are the mid-twentieth-century centers

of power. Since there is a common complaint that in his speeches the author does not make clear his position concerning U.S.-U.S.S.R. relations, it is important for the student who wishes to understand his position to read this book.

Wallace believes that instead of allowing the dismantling of German production plants by Russia for reparations and instead of our feeding Germany, we should have let Russia buy what she needed here and have restored German nonmilitary production in order to restore more quickly a self-sufficient Germany. If, further, this policy of intelligent use of our postwar production capacity had centered on meeting needs instead of fighting Communism, it would have prevented the growth of chaos and want which is the seedbed of Communism. He believes that the Truman Doctrine, backed by heavy rearmament and centering on "Stop Russia," can lead only to war.

There may be some personal animosity in Mr. Wallace's comments about President Truman's policies, but Mr. Wallace is not a Communist. He categorically says he believes in "progressive capitalism." He sees such a system co-operating with government "for the public good." He deplores the iniquitous labor camp and Siberian exile policy of Russia, but feels that pressure from a hostile world which has caused her to force her way to industrialization largely in isolation is a major factor in driving her to these tragic practices.

World peace, then, depends on a new direction for our economy—abundance of useful production instead of production for war; a new morality; concern to create a new world of values rather than protect an old one which primarily seeks security; a new spirit, faith instead of suspicion.

Little wonder people call Mr. Wallace a pleasant dreamer but unrealistic. If he is that, it might be a creative exercise for wiser minds to take these goals and make a national policy based on them.

CLARENCE E. PICKETT

Philadelphia, Pa.

SALTER, ARTHUR. *Personality in Politics: Studies of Contemporary Statesmen.*

Pp. 253. New York: The Macmillan Company; London: Faber and Faber, 1948. \$3.50.

The purpose of these sketches and vignettes is, according to the author, "to illustrate the influence of personality from memories and impressions of dominant public figures of the first half of this century." By way of introduction he discusses "Personality in History," and he concludes with a brief essay on "Personality and Power." Prologue and Epilogue give less than might be expected from their titles, but the material between repays perusal. Sketches are accorded Balfour, Lloyd George, Ramsay Macdonald, Neville Chamberlain, Winston Churchill, Haldane, H. G. Wells, Maynard Keynes, Woodrow Wilson, Franklin D. Roosevelt, and Benito Mussolini.

Four Americans, Dwight Morrow, Roland Boyden, Jeremiah Smith, Jr., and Harry Hopkins are given vignettes. Impressions are recorded of Clemenceau, Poincaré, Briand, Chiang Kai-shek, Madame Kung, and T. V. Soong. Since Sir Arthur has either worked with or had opportunities to observe the actions and policies of those of whom he writes, his accounts of them meet some of the requirements of historical documents. Moreover, his wide experiences with men and affairs and his high reputation as financier and administrator give weight and importance to his appraisals of contemporaries.

Clues to his attitude toward them are provided in subtitles to the sketches. For Lloyd George, "Dynamic Imagination"; for Churchill, "Magnanimity"; for Wilson, "The Inflexible Will"; for Roosevelt, "Courage and Improvisation." Sir Arthur finds much to admire in most of the individuals about whom he writes except Mussolini. Churchill and Clemenceau appear to be his heroes. Sympathetic toward Wilson, Sir Arthur deplores his inability to compromise. In the concluding paragraph in the sketch of Roosevelt, Sir Arthur writes:

"There are spots on the sun. If we will know the whole truth, they must not be ignored, though it needs darkened and strong glasses to perceive them. But what are sun-spots to the race of men who draw

life, and happiness, and strength from the radiance of the sun itself?" These tempered words of praise apply to a lesser degree to several of the men whose character and achievements are delineated in this little book. The well-balanced and well-written judgments will provide pleasure and information to readers interested in world affairs and the men who have helped to shape their course.

PAUL KNAPLUND

The University of Wisconsin

STIMSON, HENRY L., and MCGEORGE BUNDY. *On Active Service in Peace and War*. Pp. xxii, 698. New York: Harper & Brothers, 1948. \$5.00.

This volume records the story of almost forty years of public service by a distinguished American. The book is neither biography nor autobiography in the strict sense of those terms. It is not the latter because Mr. Bundy did all the writing and used the third person throughout. It cannot be classified as the former because the writer admittedly transferred to paper "Mr. Stimson's actions as he himself understands them" with no attempt at evaluation or interpretation. The collaboration of Stimson and Bundy was singularly successful. The feeling that this is Mr. Stimson's story is present in every line. At the same time, the style of writing is direct, unadorned, completely in keeping with the subject matter.

The first thirty-eight years of Stimson's life—from his birth in New York City in 1867 until his acceptance in 1905 of an appointment by Theodore Roosevelt to be United States Attorney for the Southern District of New York—are summarized very briefly by Mr. Stimson in the introduction. His second appointment was to the Cabinet of President Taft in the role of Secretary of War. The rift between Roosevelt and Taft during the campaign of 1912 brought real grief to this young man who had a deep affection for both men.

The years of World War I found Stimson in uniform. His experiences during that period gave him practical knowledge of the Army and provided many contacts

which stood him in good stead later. After the war, Stimson returned to the private practice of law for several years.

In 1926 he was called upon for special duty with the State Department. In 1928 he went to the Philippines as Governor-General. The next year he came home to take up his duties as Secretary of State in Hoover's Cabinet. He had a difficult time trying to handle such complicated problems as the war debt question and the Far Eastern crisis.

Although Stimson differed sharply with Franklin D. Roosevelt on New Deal measures, their ideas on foreign affairs ran along similar lines. When he accepted the President's invitation to become Secretary of War in 1940, he was read out of the Republican Party. The new Secretary had little patience with such narrow partisanship in an hour of national peril and applied himself at once to the problems of his department.

No reader will regret that fully half of this book is given to a discussion of the momentous years from 1940 to 1945. Mr. Stimson's calm and judicious comments on men and events furnish one of the most significant pictures yet to appear of America at war. While the Secretary of War does not hesitate to speak with candor about the men with whom he worked, including his Commander in Chief, there is no bitterness to mar the fairness of his record. He sheds light on some of the critical problems of our day. The fact that a man of his character and integrity can come to the close of a long public career with his faith in America and in her future intact, should give morale a boost in this day of cynicism.

GEORGE C. OSBORN

University of Florida

ROSSITER, CLINTON L. *Constitutional Dictatorship: Crisis Government in the Modern Democracies*. Pp. ix, 322. Princeton: Princeton University Press, 1948. \$5.00.

This volume is devoted to an examination of crisis government in democracies. The theme is the analysis of those forms of strong government which have been

utilized in emergencies and which may be characterized as constitutional dictatorships. Within the pages of this book is to be found a consideration of the so-called emergency powers and organization of the Weimar Republic of Germany, the Third French Republic, the governments of Great Britain and the United States.

The plan of the volume is well conceived and well executed. Three fundamental facts are held to contain the entire rationale of constitutional dictatorship. The first is the recognition that the democratic, constitutional state is essentially designed to function under peaceful conditions, and may therefore be unequal to the exigencies of great catastrophe or crisis. Therefore it must likewise be recognized that in such times of crisis, a democratic, constitutional government must be temporarily altered so that it may exert the degree of power necessary to resolve the crisis and dispel the peril to the state. Three types of crises are viewed as entailing the degree of peril to the state that is of sufficient gravity to warrant the institution of constitutional dictatorship. These conditions are war, rebellion, and economic depression. Finally, the entire *raison d'être* of such a strong government is simply to end the crisis.

The scrutiny of this problem of the constitutional dictatorship begins with the classical dictatorship of the Roman Republic. Ensuing sections deal with crisis government or emergency powers in Germany, France, Great Britain, and the United States. Emergency powers of the German Reich under Article 48 of the Weimar Constitution, the institution of the state of siege and so-called decree legislation in France, the concept of martial law and delegated legislation in Great Britain, and the war and emergency powers of the American President, are all analyzed comparatively, and interesting conclusions are drawn from this dissection of materials.

Dangers inherent in some types of constitutional dictatorships are emphatically distinguished; difficulties in operational devices are just as definitely indicated; advantages or effective employments of constitutional dictatorship for the benefit of the government it displaces are equally



demonstrated. A cogent, meaty chapter on criteria of constitutional dictatorship concludes the work.

This is an important book. It is important not only because of its subject matter and its clarity of style, but more aptly and exceptionally by reason of its organization and execution. It does what it proposes to do—deal with a basic problem basically. Dr. Rossiter is to be congratulated upon this accomplishment.

CHARLES W. SHULL

Wayne University

HASKINS, GEORGE L. *The Growth of English Representative Government*. Pp. xi, 131. Philadelphia: University of Pennsylvania Press, 1948. \$2.00.

In the twenty-eight years since the late Professor Pollard published his stimulating essay, *The Evolution of Parliament*, much highly specialized work has appeared on the origins and development of Parliament, especially in the thirteenth, fourteenth, and sixteenth centuries. Though finality is still not in sight, an attempt at synthesis is highly necessary, whether to report how much Pollard's iconoclasm has altered the massive structure built by Stubbs, or to reveal what ground has been consolidated and where the next attacks must be made. The task, though difficult, is not insuperable; the work to be digested is manageable though bulky, and the prime requirements for the synthesis are sound historical judgment and sure knowledge of the late medieval background—not only constitutional, but also legal, political, social, economic, and even personal. For this reason students of Parliamentary history have long hoped for such a synthesis from such an authority as Professor A. E. White, Mr. Galliard Lapsley, Professor Helen Carn, or Mr. J. G. Edwards; and in default of this, Professor Haskins' attempt necessarily rouses great interest. His plan is bold: his six Lowell lectures, delivered at Boston in 1939, provide a slender sketch outlining Parliamentary developments from 1200 to 1642. Unfortunately the attempt cannot be called successful—not because his main contentions on the development of Parliament differ seriously from the con-

clusions which are now current doctrine among medieval specialists on both sides of the Atlantic, but because innumerable points of detail, and often significant detail, made by Professor Haskins in support of his arguments or in adding color to his descriptions will provoke sharp criticism and disbelief.

The publishers say that Professor Haskins, at twenty-three, was the youngest Lowell lecturer hitherto; this fact explains his failure. He lacks the close familiarity with the background, persons, and events of this long and crowded period necessary for handling his material with sure understanding and knowledge, and he appears unacquainted with much that has been written on the subject itself: his book consequently bristles with factual inaccuracies and faulty interpretation. For example, he says that in the reform movement of 1258 "the great figures are laymen like Hugh Bigod, Henry of Wingham, Philip Lovel and Simon de Montfort" (p. 42): actually Henry was Chancellor, Dean of St. Martin's, and soon Bishop of London; and Lovel, the Treasurer, was a clerk; and neither of these men was a baron or a reformer. Again, it is startling to read (p. 9) that a baron who absents himself from Parliament in 1305 will be distrained to pay a fine to the King. With one or more such elementary errors to almost every page, the book is safe only in the hands of those who do not need it.

R. F. TREHARNE

University of London

VANDENBOSCH, AMRY, and SAMUEL J. ELDERSVELD. *Government of the Netherlands*. Pp. 150. Lexington, Kentucky: Bureau of Government Research, University of Kentucky, 1947. 75 cts.

This very useful work contains ten chapters, of which Dr. Eldersveld composed the ninth. They cover respectively the following topics: the Constitution, the monarchy, the Council of State, the States-General, the ministry, the judiciary, formulation and control of foreign policy, provincial and municipal government, trends in government and politics since liberation, and political reconstruction of

the Empire. Since little literature in English is available on these subjects, the authors have rendered a valuable service to American and British students. Professor Vandenbosch had previously made an excellent reputation in the Netherlands with his admirable book on the Dutch East Indies. The present work is equally good. It contains a complete copy of the lengthy Constitution in English translation, besides the English text of the Dutch-Indonesian agreement of November 15, 1946. There are copious footnotes, but in many cases the spelling of Dutch words is so poor that the reader must wonder if perhaps the authors did not have a chance to see the proof sheets.

It is interesting to note that the Dutch Constitution, unlike ours, is not amended by having amendments added at the end of the original document but by alterations in the body of the text, which consists in 206 articles, plus 3 additional articles, provided in the year 1938. Another remarkable feature in the Dutch system of government is the manner in which the First Chamber in the Parliament is elected by the Provincial Estates, that is, the legislative bodies of the eleven provinces. The lower house, called the Second Chamber, resembles the British House of Commons in that it reflects the wishes of the people directly and efficiently. The Dutch cabinet system has peculiar features, including the practice, not required by the Constitution, of not permitting members of the Parliament to function as ministers in the Cabinet.

The last chapter contains a very fair treatment of the complicated situation in Indonesia. Vandenbosch recognizes the validity of certain claims by Indonesian leaders, whereas a number of Dutch experts, both in Europe and in Asia, have shown a reluctance to meet the nationalists more than a minute part of the way. It should be noted, however, that numerous American journalists have been too hasty in their condemnation of leading Dutch diplomats, who were well aware of chaotic conditions resulting from the use of military and political weapons by irresponsible Indonesian leaders.

HEINIG, KURT. *Das Budget*. First installment. Pp. 160. Tübingen, Germany. Verlag J. C. B. Mohr (Paul Siebeck), 1948. RM. 8.

This is the first installment of a comprehensive treatment of government budgets which is intended to be published in two large-sized volumes. The present installment does not yet offer a sufficient basis for a critical appraisal. But it does indicate the basic approach and the scope of the work.

The author was a member of the budget committee of the German Reichstag until 1933 and has lived in Sweden in recent years. The emphasis in his work is on the constitutional and political controls of government accounts. He presents a colorful historical picture of budget and auditing procedures as they developed with the emergence of the democratic state. Most valuable is the description of the change and decay of budget procedures in dictatorial regimes. The treatment appears to exclude the budgets of local government units.

The constitutional and political aspects of budget formulation and budget execution are emphasized in this first installment. It remains to be seen whether later chapters will do equal justice to the economic aspects.

This book was written in a period which saw the complete failure of many dictatorial regimes to live up even to the most fundamental principles of budgeting. Under the influence of this experience, the author stresses the need for an uncompromising adherence to the principles which had been developed as tools of parliamentary control over the centuries. I hope that in dealing with details he will also discuss needed modifications of and additions to the traditional principles of budgeting. This installment promises that the work will offer a unique treasure of historical and international comparative facts.

Everyone familiar with present difficulties in the paper supply and printing in Germany will appreciate the good job that the publisher has done.

ALBERT HYMA

University of Michigan

GERHARD COLM

Washington, D. C.

ROBSON, WILLIAM A. *The Development of Local Government*. Third Edition. Pp. 376. London: George Allen & Unwin Ltd., 1948. 18 s.

This book is an enlarged and revised second edition of a work first published in 1931. Unfortunately, the complete text is not rewritten, but essential revisions have been made. Recent developments in local government are covered, moreover, by a brilliant Prologue entitled "Local Government in Crisis." This method of revision is frequently unsatisfactory. Occasionally the comments in the Prologue appear to be barking at those in the text, and often examples and illustrations are dated.

Most readers will find that the Prologue is the most stimulating part of the book. Dr. Robson is alarmed at the tendency to reduce the number of local functions. Citing chapter and verse, he points out that highways, utilities, welfare, etc. have become increasingly the concern of national ministries. The reasons for centralization are evident—the obsolete machinery of local government and the small size of the unit. In 1931 Dr. Robson thought the solution was in the utilization of joint local boards, but now he espouses with warmth the case for regional authorities. The structure of local government is discussed in Part I. The irrationality of the local unit is noted again—this time with much supporting data. The conflict between the county and the county borough is examined, and the possibilities of joint action assessed. This approach appears dated, however, since in the Prologue Dr. Robson champions the case for regionalism.

In Part II, "The Functions of Local Authorities," there is an interesting treatment of the doctrine of *ultra vires* and a cogent plea that local authority be extended to include any function not specifically reserved by Parliament to the central government. For example, the handling of milk, the distribution of coal, and the enrichment of one's cultural life are proper municipal functions. Part III deals with the public service in local government and Part IV with the district auditor, an interesting case study in the dangers of centralization.

This book is packed with facts but, nevertheless, it carries a clear and important message. It will be read primarily by students and practitioners of local government in England and the United States, and it will be profitable to both groups because the problems in the two countries are strikingly similar. Centralization, regionalism, and the urgent need for structural reorganization are as vigorously debated by us as by the English. Above all this book should be read with fundamentals in mind. It is evident that the English have been no more successful than we in determining the eventual future of local government. No program of reorganization can be final, but failure to define the functions of local government, to reorganize its antiquated structure, and to endow it with the necessary legal and financial powers will simply perpetuate "local government in crisis."

LAWRENCE PELLETIER

Bowdoin College

DOOB, LEONARD W. *Public Opinion and Propaganda*. Pp. vii, 600. New York: Henry Holt and Company, 1948. \$5.00.

The national war agencies were the center for research development in public opinion and propaganda, much of which is unfortunately lost in the minds of individuals or in dead government files. Doob, one of the participants, gives us the benefit of his wartime propaganda experience in this text, and this alone makes it a worthwhile addition to our literature.

The early chapters and the concluding chapter provide an excellent theoretical basis for the discussion of methods. Too many texts in public opinion research are content with a mere report of prevailing practices. Doob is critical and systematic. His major contribution is to emphasize that sound methods require first of all a theoretical framework. Starting from a discussion of individual and social behavior, attitude is elaborated as the psychological concept underlying public opinion. Such questions as the following are then posed: Which group holds the attitudes? What issues are involved? Are the attitudes latent or actual, enduring or momentary? Such determinants of attitudes

as contemporary events, enduring cultural patterns, and factors of social structure are described. Attitudes are also characterized in terms of such psychodynamics as rationalization and projection.

This is followed by a critical treatment of current methods in opinion research, revealing many inadequacies. Propaganda is treated systematically starting with an analysis of the propagandist, proceeding to principles of content analysis, then to exposure to and perception of propaganda. Finally, the relation between exposure and changes in attitudes or conduct is described.

While the discussion is detailed and critical, the book misses its full potentialities in the section on public opinion method by being hitched too closely to standard practices. Doob had the opportunity to make a really powerful contribution if the theoretical section had only been matched by a correspondingly select discussion of improved methods, which are slowly being established. The central aspect of public opinion methods is not the detail of sampling or interviewing, but the experimental design of a project, in which just such a background of theory as Doob proposes is always the basis for planning any concrete survey. Yet, this is omitted. Similarly, the use of interlocking complex questionnaires as the basis for getting at the structure of attitudes, their intensity, and their origins is hardly expanded. Doob makes the point that the social group which holds an attitude must be identified; yet the corollary sampling problem is hardly mentioned, deciding which population is most relevant to sample. The reader is led to feel that the total United States population is generally sampled, whereas, in actual practice, many surveys achieve careful description of the attitudes of social groups by sampling specialized populations.

No one has yet written the guide that is needed to train students in the methods for solving fundamental questions about public opinion. Doob has done part of the job admirably.

HERBERT HYMAN

New York City

PUNER, HELEN WALKER. *Freud: His Life and His Mind*. Pp. 360. New York: Howell, Soskin, 1947. \$4.00.

In this well-written biography the author endeavors to introduce the reader into the history of Freud's life as well as into the development of his ideas. The book is based upon a thorough study of Freud's writings, including his autobiography and his *History of the Psychoanalytic Movement* and on numerous books and articles on Freud. There has not been much drama in Freud's external life except for the tragic expulsion of the eighty-two-year-old man from his home in Vienna when the Nazis came to power in Austria in 1938. Nevertheless, the biography makes exciting reading. It is the step-by-step development of psychoanalysis as a science and of a therapeutic method which filled Freud's life. He had hardly any important interests outside of his work. Impressions from fields such as literature and art, history and anthropology immediately became integrated into his main interest: psychoanalysis.

The biography deals particularly with Freud, the Jew. He is quoted as saying that "at an early age he was made familiar with the fate of being in the opposition and being put under the ban of the 'compact majority.'" The foundations were thus laid for a certain degree of independence of judgment." Freud, though he was never a religious man or a Jewish nationalist in any sense, remained conscious of his being Jewish throughout his life. Puner feels that he "made his Jewishness, the cause of his vulnerability and isolation, into a strength."

Where the author explains the development of Freud's ideas, her presentation is simple and lucid. We gain a picture of one of Freud's greatest qualities as a scientist: his constructive self-criticism. In developing the theory of psychoanalysis as well as its therapeutic method Freud has always been able to give up or to moderate what did not stand his own criticism and to attempt to replace it by new working hypotheses and techniques. Puner, however, thinks that Freud was less able to

accept criticism from the outside, particularly from some of his followers. He insisted on obedient followership and could not tolerate any contradiction.

Puner's book will be welcome to all those who wish to be informed on the subject matter of psychoanalysis in a thorough and yet not too comprehensive manner. Unfortunately, however, some reservations have to be made: The author has been rather uncritical in her use of some doubtful sources of information such as very personal articles on encounters with Freud including reports of some of his patients. Her interpretations on connections between Freud's private life and his work are based on insufficient evidence. Some caution, therefore, is necessary in evaluating the psychological interpretations in her book.

Fritz Schmidl

Seattle, Washington

LEWIN, KURT. *Resolving Social Conflicts*. Pp. xviii, 230. New York: Harper & Brothers, 1948. \$3.50.

This is the first of two collections of essays by Lewin edited by Mrs. Gertrud Weiss Lewin for the Research Center for Group Dynamics of the University of Michigan. It contains thirteen papers written between 1935 and 1946 and an enthusiastic Foreword by G. W. Allport. Part I, "Problems of Changing Culture," after contrasting the United States and Germany, proposes certain theoretical principles and practical techniques to be used in effecting a more democratic orientation of German culture. Part II, "Conflicts in Face-to-Face Groups," refocuses on the problems of change in small face-to-face groups—marriage and the factory—and includes the by now famous experiment on democratic versus autocratic organization of children in mask-making groups. Part III, "Inter-Group Conflicts and Group Belongingnesses," deals with the problems of minority groups, especially Jews.

One of the most interesting things about this book is the refreshing recognition, even insistence, that science can be used in defense of one's own value system and still be scientific. Lewin, who had seen

science used in behalf of a hateful ideology in Germany, shows no hesitation at the thought of putting science to work for an ideology he values—democracy. To many sociologists nurtured in the nineteenth century—German—historical tradition that science was concerned only with the facts as they were, that science could not take sides, that it merely recorded what happened, the idea that science can actually be used for one or another side in a conflict is an anathema. The social psychologists have no such scruples. In 1936 they organized to put their science at the service of mankind. One need be no less scientific in trying to implement the values of his culture than in any other scientific pursuit. Lewin was outstanding in his insistence on what he calls action research, including laboratory and field experiments in social change, which would be no less scientific for leading to concrete results in community life.

Lewin's concept of conflict (nowhere defined) seems superficial. He gives lip service to the fundamental importance of power relationships, but takes little cognizance of them in actual practice. Perhaps it is impossible to do so in any kind of controlled experiment. Nor does he give adequate recognition to the rock bottom of conflict—the existence of mutually incompatible goals, interests, and values. He implies, although he does not state specifically, that it is possible to resolve all social conflicts. He skirts, without probing, the tremendous problem of the role of coercion in a democracy.

Lewin apologizes to the sociologists for invading the realm of group phenomena. No apologies are needed. If anything, sociologists ought to apologize to the other social scientists for their comparative neglect of such basic phenomena as competition and conflict. Their absorption in the nature of culture, of class, of disorganization and similar phenomena has distracted them from thoroughgoing analyses of these fundamental processes. Perhaps this needling by Lewin may call them back to research in the dynamics of conflict.

Jessie Bernard

The Pennsylvania State College

HERSKOVITS, MELVILLE J. *Man and His Works: The Science of Cultural Anthropology*. Pp. xviii, 678, xxxvii; 66 text figs, 18 pls. New York: Alfred A. Knopf, 1948. Text, \$5 00; Trade, \$6.50.

Dr. Herskovits, professor of anthropology at Northwestern University, has produced a long overdue summary of contemporary anthropology. When compared with the first edition of Kroeber's *Anthropology* which was a standard twenty years ago, this volume becomes a measure of the very considerable theoretic and descriptive development in the field. In the intervening period, linguistics, physical anthropology, New World archeology, prehistory, and the knowledge of certain areas have expanded and specialized to such an extent that within the compass of one volume many of these fields can be touched upon only lightly. A generation or two ago the results and the techniques of these fields were to some extent part of every graduate student's working equipment. This is, unfortunately, rarely the case today, and in writing *Man and His Works* Dr. Herskovits is forced to concentrate primarily on cultural anthropology. However, other phases are highlighted and their implications for cultural anthropology skillfully interwoven in general theoretical sections. Even within his selected limits Dr. Herskovits is able only to resume concepts which twenty years ago were still formative. The concepts of pattern, integration, and acculturation have been greatly expanded. Questions of cultural impact on personality were only beginning to be adequately phrased twenty years ago. A student who is interested in particular topics will want to read specialized publications which the author lists under various headings at the end of the book.

This intensive and extensive growth in the field of anthropology has made it aware for some time of its intimate relationship to other social sciences and more recently, with the humanities. In turn, anthropology has been widely recognized and perhaps oversold by nonprofessional enthusiasts who seek ready-made answers. Dr. Herskovits' book should chasten these enthusiasts and at the same time serve as a valuable guide to more temperate in-

quirers. It can also serve as a much needed text in departments of anthropology. The author has discussed painstakingly and lucidly ideas which many anthropologists take so much for granted that they seldom explain. At the same time, many theoretic enthusiasms which anthropology has engendered in its professionals are evaluated with unusual impartiality. This impartiality is also evinced by a fifteen-page bibliography in which only a few prolific authors are represented by more than two or three entries. In addition to catholic impartiality, Dr. Herskovits has achieved many minor contributions to theory by his willingness to think synoptically. For example, his term "enculturation" and its relation to conservatism and change are obvious only because he has stated them. Such contributions should be of particular interest to his colleagues.

In addition this book is written with a minimum of jargon and a wealth of illustrations. That many of the illustrations are drawn from one of Dr. Herskovits' own field, African ethnography, is a useful corrective to the neglect that area has suffered in the United States.

It is a particular pleasure to be able to pay tribute to Dr. Herskovits' mature evaluation of the whole field of anthropology since his own considerable contributions to particular aspects of the discipline have not always been free of wholesome challenge.

CORA DU BOIS

Washington, D. C.

VAUGHAN, WAYLAND F. *Social Psychology: The Science and the Art of Living Together*. Pp. xviii, 956. New York: The Odyssey Press, 1948. \$5 00.

This big book, written as a text for undergraduate courses in social psychology, has much to commend it: its style is readable and clear; it is richly packed with examples and illustrations chosen from the everyday social scene; it is a fearless book, dealing straightforwardly with crucial contemporary social issues.

Running through the volume are two basic themes: (1) that social psychology is not only a science but an art by which the

quality of human social relationships may be improved, and (2) that the values which would have the greatest meliorative effect on modern man are those generally called "liberal" or "progressive." In line with these basic points of view, Professor Vaughan insists that social psychology must attend especially to values and must evaluate these values with an eye toward social betterment.

With all sympathy for the vigorous and gentle humanitarianism animating these pages, it would seem that Dr. Vaughan, in failing to think through more clearly the problem of value and the social scientist's relationship to it, has made a serious blunder that blunts his book's effectiveness and dulls its utility.

One of the primary jobs of the scientist, whether in the natural or behavioral areas, is to *explain* phenomena. This he does by reference to antecedent conditions and the laws or principles stating relationships among his observables. This is true both when he attempts to predict the sequelae of some event and when he attempts to rationalize *post hoc* the event's occurrence.

Within such a framework, the problem of value may be one of the social scientist's legitimate and most important concerns. But it is vital that values be recognized simply as the objects of an organism's choice; values have no existence apart from *valuating* behavior. Such behavior is as rightful a subject for psychological investigation as the behavior of a rat in a maze. Within the framework of science it is perfectly possible to approximate, at least, an explanation of various valuations in terms of their antecedent conditions and the general principles or laws of the behavioral sciences and to make predictions within statable margins of error about their consequences.

Making his predictions open to the public, not legislating to it, is the scientist's task. In the democracy which Professor Vaughan ably endorses, people in general, scientists among them, ultimately make their own legislation, and scientists work on their problems in applied science largely at the citizenry's behest.

By forgetting his function as a scientist, Dr. Vaughan has written a needlessly dis-

putatious book which does not add much to our understanding of how our current social plight arose. *Social Psychology* is a mine of interesting information and wholesome argument that should provoke student enthusiasm for the matter of the social sciences. But the hard-won power of social science qua science, a tool for the explanation of behavior, will have to be elucidated by instructors who adopt the text for its richness of down-to-earth illustration and relevant example.

EDWARD JOSEPH SHOBN, JR.  
State University of Iowa

SMITH, T. LYNN. *Population Analysis*. Pp. xiii, 421. New York: McGraw-Hill Book Company, 1948. \$4.50.

This is not, as the title might seem to suggest, a treatise on analytical methods of population study, but a description of American population, with occasional side lights on population trends in other parts of the world. There are five parts dealing with distribution, composition, vital processes, migration, and growth. There is a "Conclusion" of three pages!

Like other textbooks, this one has its strong and its weak points. It is distinctly competent on the technical level. It is frequently ingenious both in analytical method and in chart making. It has indexes; also recommended readings and questions for each chapter. The author has dug out a number of interesting bits of history relating to United States censuses. If used as a working manual and compendium it will do much to promote sound population study in our colleges and universities.

The claim "to summarize what is known about the subject" is exaggerated. There is only the briefest reference to eugenic implications (pp. 364-68) and none whatever to the changing man-land ratio, or Malthusianism. The text sticks so close to the statistical data throughout that there is a minimum of interpretative discussion. There is an excessive use of maps with circles and globes to show distribution. Most of these convey only general impressions since circles differ as the square of their radii and globes by the cubes. In some cases no scale is given; in others

where adjoining maps should be used for comparisons the scales are different. Two charts (6 and 126) give the impression of being tri-dimensional; they are doubtful improvements on other methods of picturing the same data. Moreover, Figure 126 is nearly superfluous, as the same data appear on the opposite page in much better form.

Some statements also are questionable. The generalizations (p. 96) on the effect of war on the birth rate should have taken account of World War II. The alleged rise in the Japanese birth rate (p. 99) is questionable. The criticism of Willcox's theory of the rural-urban distribution of immigrants does not take account of the changing settlement of the country; certainly Willcox cannot be proven wrong by citing 1940 census data. Figure 53 does not suggest excessive Italian emigration at the ages of 15-19, but like Figure 47 recalls the low birth rate during the First World War. The statements on pages 161 and 163 as to the extent of education in relation to rural or urban residence seem flatly contradictory so far as they relate to the section north of the Ohio and east of the Mississippi. Data on the labor force (p. 165) are hopelessly antiquated. The author missed one step in our immigration legislation and thus gives the wrong quotas (p. 312); he also fails to note the changed status of the Chinese (p. 313).

This book raises interesting questions in one's mind as to what one should expect of a text in this field. There are at least three different aspects of population study: (1) methods of analysis, (2) factual data, and (3) social, political, and economic significance. Smith's work almost completely ignores the third; it limits its treatment of the first to what is essential to the presentation of factual data relating to this country. Competent as it is within its narrow field, both its interest and its value as a text would have benefited by much greater attention to the third aspect.

FRANK H. HANKINS

Northampton, Mass.

viii, 227. New York: The Ronald Press Company, 1948. \$3.25.

Perhaps a more accurate title for this book would be "Political Theories Exhibited by American Writers on Public Administration." Professor Waldo has painstakingly canvassed the views of all reputable authors in the field of governmental administration and has identified their theories of society and the state as set forth in their writings. He begins with the pioneers, Woodrow Wilson and F. J. Goodnow, and continues the survey down to the year of publication. He has read widely and with fine discrimination.

To avoid the encyclopedic monotony of quoting one author after another, out of context, Professor Waldo clusters his excerpts around a half dozen general ideas (for example, centralization vs. decentralization) and reveals the degree of agreement or disagreement found in his representative writers. Thus, he purports to find that authorities on administration are not interested merely in carrying out policies, but that they believe firmly in a "good life." Another generalization is that the widely accepted dichotomy of government into policy and administration has been repudiated. Public administration is positive, tough-minded, pragmatic, and "stands in the same relation to the executive branch as Utilitarianism to the legislative and legal realism to the judicial." There should be a special class of administrators, pertinently trained. Government in the United States is not divided into two branches as Goodnow had seen it, nor into three, as our conventional constitutional lawyers tell us, nor yet into five, as Willoughby pictured it. It consists of one branch; government, as the chemists would say, is a compound, not a mixture. Professor Waldo gives the impression that most writers on administration lean toward greater centralization, but there are many quotations on the other side. He concludes that American scholars have made only the barest beginning in the direction of discovering principles of public administration. Also, it seems that the pursuit of a scientific method has been compromised by an insistence upon social and ethical values and by an accompanying failure to define

WALDO, DWIGHT. *The Administrative State: A Study of the Political Theory of American Public Administration*. Pp.



them. It also appears that all of our writers are in favor of economy and efficiency but that no one knows what either economy or efficiency is; and the discussion on this point introduces the inevitable inquiry into whether administrative ends are separable from administrative means.

There is not much that either the author or the reader can conclude from a study of this kind, except perhaps that theories concerning the reason-for-being of the state held by writers in the field of public administration are no more likely to be consonant than those subscribed to by any other group of specialists—for example, by authorities on public finance. Professor Waldo's exercise was a good Ph.D. dissertation, and his expansion of it into this little volume will be a great help to beginners in the field of public administration, but the reader should be warned that it does not develop or carry forward any thought of its own. It does not pretend to. The author carries out creditably the task he set for himself in his preface.

JAMES C. CHARLESWORTH

University of Pennsylvania

SWARD, KEITH. *The Legend of Henry Ford*. Pp. viii, 550. New York: Rinehart and Company, 1948. \$5.00.

The reader who picks up this book expecting it to be a biography of the industrialist will be disappointed. Mr. Sward is a psychologist and psychotherapist. His aim in this volume is to present a study in social psychology on the topic "Ford and the American Dream." As he proceeded with his research he discovered that in addition to securing the facts about the life of Ford he had to deal with a great mass of legendary material which had developed through the years. He became more interested in the legend than he was in the man.

*The Legend of Henry Ford* is absorbing and interesting. The reader wonders as he advances from one page to the next what new evidence of villiany against the subject will be presented. In fact, the book might better be called, "Debunking the Henry Ford Legend." Practically everything in the book discredits the auto manu-

facturer. At the end, the author summarizes his case by saying that Ford "richly deserved his rank as a giant of the machine age, and yet was so unworthy of his reputation as a respecter of men. . . . The mechanical genius of Detroit had cut a sorry figure in the social history of his age."

Careful research went into the preparation of this study. Unfortunately, the footnotes are placed at the back of the book and the reader is compelled constantly to turn to the references that document the narrative. There is an extensive bibliography and a carefully compiled index. Altogether this is an important contribution to an understanding of Ford and his era, but there is still need for an objective scientific biography which will present and evaluate all sides of Ford's complex, sometimes contradictory, personality.

GEORGE C. OSBORN

University of Florida

WHITE, LEONARD D. *The Federalists: A Study in Administrative History*. Pp. xiii, 538. New York: The Macmillan Company, 1948. \$6.00.

The principal virtue of this book lies in its novel approach to the Federalist era and in the resultant mine of information about administrative practices and theories under Washington and Adams. Most studies of the period have been concerned mainly with party battles and constitutional problems, the main stuff out of which historians from Bancroft and Hildreth through Channing to Bowers have composed their narratives. The technical aspects of Federalist administrative organization have hitherto received little attention.

The best chapters in *The Federalists* are those dealing with the organization and operation of the various executive departments established between 1789 and 1801. Thus we learn that the attorney-general was hardly a cabinet officer, but rather merely a private attorney retained by the Government, which he regarded as but one of his many clients. The State Department was a hodgepodge of minor ex-

ecutive functions, including among others the foreign and consular service, patents, copyrights, supervision of the mint, census taking, land patents, passports, and the protection of American seamen abroad. Most governmental employees worked for the Treasury; in 1790 these numbered some 70 persons; by 1801 they totaled above 1,600; in addition the post office, also under Treasury supervision, employed some 800 deputies. War was a "difficult and unpopular" department hampered by the incompetence of Secretaries Knox and McHenry and by obsolete administrative practices.

There are illuminating observations on contemporary administrative theory. Hamilton, it appears, reiterated the principle of executive co-ordination and co-operation—the "rule of common concert." Jefferson, on the other hand, "asserted his devotion to the rule of noninterference of one department with another." In part, the famous feud between these two men was a conflict of administrative theory.

The principal defects of the work are two: a certain weakness in relating administrative practice to constitutional theory, and a tendency to analyze administrative problems *in vacuo*, without regard to contemporary political and economic issues. For example, there is some confusion over Hamilton's status as a "prime minister"; on one occasion Professor White states categorically that Washington always regarded his ministers as mere administrative subordinates; elsewhere he concedes that Hamilton for a time became virtually a prime minister in control of both legislative and administrative policy. Again, the statement that "during the Federalist period the potential competition between state and federal governments . . . failed to materialize . . ." would certainly have astonished the authors of the Virginia and Kentucky resolutions as much as it does a historian today. Finally, the appraisal of Federalist administrative techniques without regard to their economic and social significance somehow has a "bare-bones" quality about it which deprives the Federalist era of flesh-and-blood reality.

ALFRED H. KELLY

Wayne University

COTTRELL, LEONARD S., JR., and SYLVIA EBERHART. *American Opinion on World Affairs in the Atomic Age*. Pp. xxi, 152. Princeton: Princeton University Press, 1948. \$2.50.

This is a summary interpretation of a report published by Cornell University in April 1947 entitled *Public Reaction to the Atomic Bomb and World Affairs* which was, in turn, based on public opinion surveys sponsored by the Committee on Social Aspects of Atomic Energy of the Social Science Research Council. The entire project was financed by grants of \$23,875 each from the Carnegie Corporation and the Rockefeller Foundation, and administered by a committee consisting of Professor Cottrell, chairman, and Hadley Cantril, Pendleton Herring, and Rensis Likert. Extensive and intensive surveys were made before and after the Bikini bombing experiment in the summer of 1946. In addition to the text itself (60 pages) this volume contains a Foreword by Frederick Osborn, Deputy United States Representative on the United Nations Atomic Energy Commission, and two detailed appendices containing illustrative interviews and tables.

The results of the surveys are not altogether surprising. They reveal public indifference, widespread ignorance, inconsistent thinking, a failure on the part of the masses to understand what their leaders are doing, and blindness to the social and political implications of the atomic bomb. The average person has never heard of uranium and plutonium; cannot tell what the objectives of the United Nations are; knows next to nothing about the Baruch report; does not want the United States to give up its bomb secrets; and questions the advisability of British loans.

The authors of this summary report make several penetrating observations. In the first place they conclude that "although the public is convinced that the bomb is a weapon of almost unbelievable destructiveness, it does not realize the implications of its existence for the world community." Secondly, the people as a whole are not particularly apprehensive about the bomb, although they are very pessimistic concerning the prospects of

peace. "There is a great psychological distance between the people and the world issues that concern their government." The prevailing attitude seems to be "Let the government worry." Finally, and perhaps of greatest interest, is the finding that reactions to proposals made in general terms differ widely from reactions to substantially the same proposals made in specific terms. The masses are usually on the side of peace, world organization, international trade, and the Ten Commandments when expressed in general terms, but are frequently unwilling to support the measures needed to realize these ends.

The authors bring their interpretation to an end by making three constructive proposals: (1) "This study points to the need for great effort and skill in focussing the attention of large segments of the public on the problems of our relations with other countries and on the related problems of the control of atomic energy. This needs to be done in such a way that the citizen will see that he has a vital personal stake in constructive solutions of the problems in our relations with other nations." (2) "Along with this focussing of attention and securing psychological involvement must go a more adequate grasp of the world situation than most Americans now have . . . the people need a clearer perception of the world as a total dynamic situation of interacting parts . . . a minimum of understanding of the dominant motives, goals, and perspectives and expectations of at least the major nation-actors of the drama, including our own." (3) "A clear conception of the role required of the United States in the situation if we are to strive most effectively for the kind of world community that will make possible the maintenance and extension of democratic values."

This reviewer would like to add still a fourth proposal: the need for a clearer understanding by Mr. Expert and Mr. Commonman alike, of what the masses can reasonably be expected to know and do about problems of atomic energy and international relations. At the same time that we seek to improve the quality of public opinion and raise the level of thinking on these problems we should continually redefine

the role of public opinion in the light of its changing competence.

HARWOOD L. CHILDS  
Princeton University

SAVETH, EDWARD N. *American Historians and European Immigrants, 1875-1925*. Pp. 244. New York: Columbia University Press, 1948. \$3.00.

This analysis of the writings of the more prominent of American historians of the nineteenth century deserves an honored place beside the notable contributions of Marcus Hansen and Oscar Handlin in the field of immigration historiography. It may well serve as a model of balanced and judicious appraisal, a temperate and careful presentation, and an exceptionally clear exposition of eristic and filiopietistic generalizations; written in a spirit of admirable restraint.

Professor Saveth set himself the task of learning just what selected historians thought about the immigrant and how they expressed those thoughts. Quoting expertly from the writings of Hermann Eduard Von Holst, the German-born historian, Herbert Baxter Adams, John Fiske, Henry Cabot Lodge, John W. Burgess, and others, the author has shown that Social Darwinism was a major influence and that the use of the comparative method demonstrated a familial relationship among people of "Aryan ancestry" and "theories trading under the name of Darwin were called upon to justify the ascendancy of the Anglo-Saxon and prove the superiority of his institutions" (p. 15). Many of the outstanding American historians were trained in German seminars and their histories of the American people reflected their convictions that the forests of Germanic tribes were the birthplace of freedom, democracy, and the moral foundations of American character. Particularly in the writings of John W. Burgess was the Teutonic origin glorified. Wrote Burgess in 1908: "If Great Britain is our motherland, Germany . . . is the motherland of our motherland" (p. 43).

John Fiske insisted that the Teutonic theory of our institutional origins was essentially correct in the historical sense but believed that centuries of English develop-

ment had had an ameliorative influence "particularly upon the section which was transplanted to America." Such eulogies of the inborn virtues and noble instincts of the Aryan, Anglo-Saxon, and Teutonic character necessarily implied, indeed proclaimed, the inborn vices and ignoble instincts of the non-Aryan, non-Anglo-Saxon, and non-Teutonic character. Any slight acquaintance with our immigration policy since 1882 will convince even the less discerning that the influential segments of the American population believed in racial superiority, despite what sociologists and modern historians write about one America or one world. It is interesting to note in passing that such politicians as Henry Cabot Lodge and Theodore Roosevelt could, with apparent good conscience, exorcise the scum and dregs of Europe in their writings (which were not likely to be read by such undesirables) and at the same time not only accept their political support but actually congratulate them for their magnificent contributions to the development of American society.

Such special pleading and partisan historical writing is understandable when one remembers that these historians were descended from the national stock they were enshrining in the hagiocracy. Such denunciation of the new immigration and its evil influence upon American politics, industry, and morality resulted in a sharp reaction which led to the formation of many national historical societies which attempted to demolish the Teutonist and Anglo-Saxon superiority by exhuming the great men who sprang from despised origins. These historical societies, while much of what they produced increased the prejudice against them, nevertheless, in Professor Saveth's opinion, "did much to open up this important field of research . . . to the historiography of the very groups they wrote about" (p. 203).

Exactly how much academic historians actually influence legislation may be debatable, but there can be no doubt that the propaganda parading as scientific fact as dramatically proclaimed by Lothrop Stoddard, Madison Grant, Edward Alsworth Ross, Prescott Hall, Harry H. Laughlin, and Roy Garis is to be found in

our present national-biological immigration policy.

Anyone who honestly, if naively, believes that America ever was or will be an asylum or refuge for the weary and heavy-laden, or that Emma Lazarus echoed the generous impulses of articulate and outstanding historians, will find this volume a superlative corrective.

J. P. SHALLOO

University of Pennsylvania

GRAHAM, MALBONE W. *American Diplomacy in the International Community*. Pp. xvii, 279. Baltimore: The Johns Hopkins Press, 1948. \$3.25.

The Albert Shaw Lectures on Diplomatic History at the Johns Hopkins University have been decidedly enriched by the present series. From the first hour on "The Entry of the United States into the Family of States, 1776-1810," to the sixth and concluding study of "The United States and the Reorganization of the International Community," Dr. Graham reveals a mastery of subject matter together with a capacity to keep the larger meaning in view. The forest is never sacrificed to the trees, even though the traveler is frequently permitted a closeup of his path.

The ascent, for such it is quite literally, is not unlike the ascent of man from the utter selfishness of infancy to the magnanimity of a mature philosophy; or the progress of religion from the tribal Yahweh to the Judaeo-Christian concept of the Fatherhood of God and the Brotherhood of Man. In the longer reckoning, Moses and the Prophets are the standard-bearers. In America's brief record, James Monroe and Woodrow Wilson are heroic figures, for the author finds in Monroe's promulgation a concept of Western Hemispheric solidarity which Wilson gave his life to render world wide in its scope. He beholds in Franklin Roosevelt the renewal of this Western solidarity and a modified renewal of the Wilsonian concept now embodied in the United Nations. Even Warren Gamaliel Harding is credited with at least an economic approach to world problems, while to the Atlantic Charter is attributed a far more philosophic meaning

than Roosevelt later gave his own brain child.

Much interest attaches to the author's interpretation of isolationism and of neutrality, its corollary. The psychoanalytic study of Woodrow Wilson's conquest of this national obsession and his emergence with a policy of world leadership is especially well done. The sequence of Pan-American gatherings, culminating in a surprising degree of unity, north and south, is traced with the minuteness of a genealogist concerned with his "begats"—the final and the well-beloved being the Atlantic Charter.

The timing of these lectures is dramatic. Against the backdrop of incessant threats of war (now Berlin, who knows what next?) our country's thinking can be viewed as a rational approach toward peace. One may feel some reservations toward the Charter and more especially toward its author; one may even chide the lecturer with an occasional stylist eccentricity and a penchant for verbal idiosyncrasy; but all the while one recognizes these lectures as a major contribution to the ideology of American diplomacy.

LOUIS MARTIN SEARS

Purdue University

KERWIN, JEROME G. (Ed.). *Civil-Military Relationships in American Life*. Pp. xi, 181. Chicago: The University of Chicago Press, 1948. \$2.75.

Originally given in the form of lectures for the Walgreen Foundation series at the University of Chicago during 1946-47, the materials of this symposium probably represent the best condensed treatment available concerning an increasingly serious problem of American society. Whether we like it or not, militarism and military functions are no longer secondary considerations in our peacetime public affairs, and the clash of these with democratic principles gives rise to the policy dilemmas dealt with from a number of perspectives in this book. There is an Introduction by Herbert Emmerich and the authors and chapters are as follows: Waldemar Kaempffert, "Science, Technology, and War"; Dixon Wecter, "From Soldier to Citizen"; Hanson W. Baldwin, "The Recruitment and Training

of the New Armed Forces"; Paul H. Appleby, "Civilian Control of a Department of National Defense"; T. V. Smith, "Government of Conquered and Dependent Areas"; Quincy Wright, "The Military and Foreign Policy"; Adlai Stevenson, "Civil-Military Relations in the United Nations"; and Charles E. Merriam, "Security without Militarism: Preserving Civilian Control in American Political Institutions."

Although certain fundamental problems and basic considerations resulting from the mutual opposition of the military principle and the democratic principle recur throughout the volume and serve to integrate the whole, the topical division of labor is worked out more successfully than in most symposia and there is a minimum of overlapping. Moreover, the comprehensive coverage includes most of the main issues of public policy as well as a number of somewhat peripheral but important questions. Merriam's concluding chapter reviews the more crucial issues, pulls together the conclusions of the various authors, and points up the over-all conclusion that civilian control of American political institutions must be maintained.

Some of the essays view their problems within the framework of a historical perspective, whereas others are restricted to an analysis of the contemporary situation. For example, Kaempffert outlines the historical influence of warfare on science and technology (and vice versa), Wecter compares the behavior of veterans following several wars, and several of the other authors give a brief historical development of the conflict between civilians and the military over matters of domestic and foreign policy. Some of the immediate issues raised by Baldwin have already been settled by Federal legislation, but the basic questions, of course, will remain. Smith's very forthright review of our policies and procedures in conquered and dependent areas sets forth many problems which in part have already been settled, but Appleby, Wright, Stevenson, and Merriam address themselves to issues largely unresolved and currently presenting us with difficulties and dilemmas.

In final commendation of this brief but important book, it may be said that all of

the authorities represented are fully aware of the largely unrecognized dangers to American democracy posed by contemporary trends. The value of this volume to laymen is the detached, lucid, and incisive analysis of extremely complicated problems, together with realistic but unpromising proposals for their solution.

LOGAN WILSON

Tulane University

KELLY, ALFRED H., and WINFRED A. HARBISON. *The American Constitution: Its Origins and Development*. Pp. xvi, 940. New York: W. W. Norton & Company, 1948.

The authors of this volume present it as an introduction to the constitutional history of the United States for undergraduate college students and general readers. It thus enters a competitive field in which there are already several excellent and scholarly books. If the newcomer has any advantages over the older works, the chief one is in carrying the discussion down almost to date. The correlation of our constitutional development with general history is reasonably well handled. Positive errors of fact are not numerous. If the whole volume were as well done as the latter half, it would contribute to a kind of education greatly needed by our citizenry. The treatment of the period since the Civil War is not faultless, but its defects are less serious than those in the account of the earlier years.

This portion of the book is marred both by the want of precision of statement and faulty analysis of basic documents, leading to misinterpretations; there is apparent failure to grasp, and certainly failure to utilize, concepts of fundamental import. Continuity is often lost from sight. For example, the emergence before 1770 of the idea of powers distributed between local and central governments is recognized, but this foreshadowing of the later Federal union is ignored in the account of the framing of the Constitution and in the analysis of that document. The *principle* governing the distribution receives no emphasis. One wonders whether the authors themselves perceive this principle or its significance. On page 56 the British im-

perial system is described as a *de facto* federal state, because Parliament legislated "only on the major affairs of the empire at large," and "was not interested in the purely domestic affairs of any one colony"; yet in spite of this apparent recognition that under British rule powers were distributed by distinguishing between general and local concerns, the authors enumerate several acts of Parliament which they say "were directly concerned with the internal affairs of the colonies."

Similarly confusing is the loose use of words and phrases. Thus "sovereignty," "complete sovereignty," "divided sovereignty," "autonomy," "nearly autonomous," "colonial legislative prerogative," etc., appear and reappear without real discrimination as to their respective meanings.

These are only samples. Space limitations forbid further detail of faults, but a bill of particulars would be a long one.

HOMER C. HOCKETT

Santa Barbara, California

MOSCOW, WARREN. *Politics in the Empire State*. Pp. 238. New York: Alfred A. Knopf, 1948. \$3.00.

Warren Moscow is particularly well qualified to discuss the recent and current politics of New York. For more than twenty years he has been covering local, state, and national politics for newspapers in New York City; for the *New York Times* since 1930, serving as head of the *Times* bureau in Albany from 1938 to 1945. *Politics in the Empire State* is a timely book of interest in and outside the State of New York.

During the last five consecutive campaigns, New York governors were candidates for the Presidency of one or both major political parties. In the first four campaigns, the candidate in the person of Franklin D. Roosevelt was elected President of the United States, and it seems very likely at this writing that Governor Dewey, too, will move directly from the Executive Mansion in Albany to the White House. The Nation's political leadership can be further demonstrated by the fact that in the twenty-one campaigns from the end of the Civil War, there were fifteen campaigns in which at least one of the

principal nominees was a New Yorker. The candidate who carries New York will probably carry the Nation; the only recent exception was Woodrow Wilson in 1916.

Why New York has supplied this large share of political leadership is the subject of the volume's introductory chapter. The author also portrays New York as a plethora of outstanding men, and uses Roosevelt, Lehman, La Guardia, and Dewey, during the last decade, as examples of leaders with different political philosophies and backgrounds. He then moves on to the parties, the machine and bosses, the lawmakers and the lobbyists, describing their impact upon one another in a very realistic and anecdotal manner. His account of the splinter parties is particularly commendable.

He explains with refreshing frankness the ethnic influences operative in this heterogeneous state. Some of his conclusions and generalities, unsupported by documentation, appear too sweeping. For example, the author assigns to the proportional-representation method of electing council members in New York City between 1937 and 1947 a part in fanning racial feeling at the polls. In this connection, he says: "Joe Murphy, an ardent exponent of the principles of the Christian Front, might be eliminated from the race on the fourth transfer of choices, and of his ten thousand assorted votes probably as many as eight thousand would go to Joe McShane, also an Irishman, but a Communist or at least a fellow traveler. Simon Schwartz, old-time Socialist, would lose out and most of his votes would go to Shapiro, a labor-baiting dress-manufacturer. . . ." Research to date on the influence of racial voting in the New York councilmanic elections indicates that this factor has been exaggerated. Furthermore, melting-pot politics and the "balanced" ticket were a part of the old aldermanic system in New York City and were usually catered to in advance. The problem of the ignorant citizen who votes according to the location of names on the ballot is evident in other forms of nomination and election and is not peculiar to the proportional-representation method.

Even the governor of the Empire State must have radical adjustments when he is elevated to the Presidency. All must agree with the author that the Albany assignment, concerned as it is largely with policy-making, is a "soft snap" when compared to the New York mayoralty or the Presidency. After reading Mr. Moscow's observations of Mr. Dewey, one may be led to believe that the Governor, when he becomes President, will find it necessary to use different methods in dealing with the Congress and the press. Governor Dewey has had his own way with the Republican-controlled state legislature. Mr. Moscow complains that Governor Dewey, unlike his predecessors in Albany, "insisted, no matter how often newsmen protested, that the information he supplied be taken on faith and the fact that he was the source be undisclosed to the public." The author also says that the Governor tried to lay down the rule that a reporter could not state that a question the Governor did not want to answer, had been asked. "He has since achieved something of his aim by holding few on-the-record press conferences. . . . This smacks too much of censorship, of benefit only to the incumbent, not to the public." However, the author repeatedly speaks of Mr. Dewey as an efficient administrator. It is regrettable that he fails to discuss in any detail the administrative principles or procedures followed by the Governor.

Even if one cannot always agree with the opinions of Mr. Moscow, so fully and frankly expressed in his fast-moving book, one nevertheless has a healthy respect for this competent reporter who has chosen for examination a significant political laboratory at a particularly significant time.

BELLE ZELLER

Brooklyn College

FAIRBANK, JOHN KING. *The United States and China*. Pp. xiv, 384. Cambridge: Harvard University Press, 1948. \$3.75.

During these postwar years, books which deal with China are apt to be written by controversialists or scholars. The latter, unless they deliberately choose to restrict themselves to problems of Sinology, inevitably are drawn into political contro-

versy. Thus Sumner Welles, editor of the American Foreign Policy Library, writes in the Introduction to *The United States and China*, "As so frequently occurs in ideological controversies of this character, both sides to this continuing debate tend to be blinded by their predispositions and by their own individual prejudices" (p. xii).

In the newest addition to a series which already includes volumes on Britain, the Near East, Russia, the Caribbean, and South America, John King Fairbank makes a valiant and laudable attempt at least to enlighten contemporary controversy with history, to combine an essentially scholarly approach to Chinese culture with an objective appraisal of current ideological struggle. He would doubtless be the first to admit that his answers will nevertheless draw the criticism of those who denounce the present China policy of the United States or those who complain of the lack of one.

Professor Fairbank combines a distinguished academic career with seven years' field experience in China before, during, and after World War II. He went to China first in 1932 after study at the University of Wisconsin, Harvard, and Oxford. His wartime service was concluded in the post of Director, United States Information Service in China. Professor Fairbank has studied the Chinese language, has taught in the National Tsing Hua University, and is presently professor of history in charge of the China Program, Harvard University.

*The United States and China* is roughly divided into two equal parts. Early chapters contain a careful survey of the Chinese scene, the nature of Chinese society, the Confucian pattern, cyclical interpretations of Chinese history, the Western impact, and revolutionary processes. This portion of the study is a scholar's attempt to condense complexities in the Chinese historical background, and reflects many years' teaching and mature reflection on the subject of China. Professor Fairbank is at his best in analyzing forces in Chinese history, for example the Demographic Mystery. He offers a unique attempt at explanation of the doubling of the Chinese

population in the century *before* Western contacts and industrialization really got started.

Later chapters launch into contemporary Chinese and international politics and deal with problems and prospects: economic, political, and social reconstruction, the future of liberalism, and current American policy. Professor Fairbank himself writes: "Concluding chapters on current problems, though of greatest interest to men of affairs, are usually out of date" (p. 331). The reader wonders, for example, to what extent the section on the Chinese Communists' "New Democracy" will have to be rewritten in light of world-wide party realignments resultant from the Tito disaffection. Though remote and isolated, Chinese Communists responded promptly enough in denouncing the Yugoslav version of "New Democracy."

But contemporary shifts will hardly detract from Professor Fairbank's major conclusions: that Chinese society is very different from our own; that the worst enemies of American policy are wishful thinking, subjectivism, sentiment, and plain ignorance. "Our policy must take full account of China's own process of social change" (p. 310).

As a possible text for area studies, *The United States and China* suffers somewhat from lack of either a strictly chronological or completely topical treatment, although many chapters will provide good supplementary reading material. Maps throughout the volume and on the end papers are well done. Appendices contain General Marshall's January 7, 1947 statement and an excellent suggested reading list. However, one misses reference to an earlier classic on China's social changes: Thomas Taylor Meadows' *The Chinese and Their Rebellions* (London, 1856), a valid commentary written a century ago on forces similar to those which Professor Fairbank so well describes.

ARDATH W. BURKS

Rutgers University

NICHOLS, ROY FRANKLIN. *The Disruption of American Democracy*. Pp. xviii, 612. New York: The Macmillan Company, 1948. \$7.50.



Dr. Nichols, the biographer of Franklin Pierce, now tells the story of the Buchanan administration. This above all others was the period when the passions engendered by the slavery question came to flood level and finally engulfed the luckless generation which failed to dam them. Nichols proceeds about his task like a *quattrocento* painter determined to omit from his picture no personage however minor and no detail however insignificant. Every corner of his canvas is crowded with sharply etched figures, each in a swirl of tiny confused activity. At the outset these fragments seem to have as little connection with each other as the disjointed parts of a jigsaw puzzle. Yet from the welter the author evolves little by little a central, simple truth, the explanation of what made war as inevitable as it was senseless: Small men never behave so completely in character as when they are confronted by a call to greatness.

But he tells a curiously one-sided story. The lay reader lacking broad and intimate background acquaintance with the period faces much the same dilemma as the astronomers who try to figure out the phenomena on the other side of the moon from their observations of the only side which they are ever permitted to view.

Dr. Nichols has confined himself so closely to the elaboration of those factors which brought about the disintegration of the Democratic Party and the exposure of its leaders without exception as narrow, self-centered, earthbound men incapable of statesmanship that it requires an effort of the will even for those familiar with the period to realize that the emergent Republican Party was still in the hands of fanatics and opportunists, and hence equally responsible for the headlong rush into conflict. Only after the blind politickers had made this inevitable did Lincoln come to power, too late to prevent bloodshed and barely in time to become the architect of victory.

Within the limits which the author has set himself, it is astounding what a perspicuous job he has done. So thorough has been his research, so completely has he immersed himself in the atmosphere and events of those years that one cannot es-

cape the feeling of living as a participant, painfully endowed with a vision of how inadequate everyone was, yet incapable of sounding any note of warning.

Here unfolds the awful panorama of one of the most ineffectual administrations in our history, when the snarls from the dogs of war, growing ever louder, were first ignored and then drowned out by the shrill ululations of factionalism.

Quite unconsciously Dr. Nichols even manages a note of prophecy. How well the following description of the professional Southern politicians who did more than their share to bring on fraternal strife fits what we see before us today!

"Charleston had been an unhappy revelation to the Southerners, leaders and followers alike. For the first time they had failed to have their way. . . . None save a very few wanted to do more than stop Douglas and force a compromise candidate. But the convention had slipped away from them, . . . had driven them to extremes they did not relish. Instead of a compromise candidate they had secured a broken party. Now . . . the leaders were a prey to fear . . . that only a politician can feel . . . the fear of loss of power. They could lose their preferred position at Washington; that was bad enough, but it was not their greatest dread. Their very real and often overlooked fear was loss of power at home."

Substitute "Philadelphia" for "Charleston," "Truman" for "Douglas," and no contemporary columnist need be ashamed of putting his name to it. Nor have the basic issues been greatly altered by a Civil War and the passage of more than eighty years.

ALPHONSE B. MILLER

Philadelphia, Pa.

SYDNOR, CHARLES S. *The Development of Southern Sectionalism, 1819-1848*. (Volume V of *A History of the South*.) Pp. xiv, 400. Baton Rouge: Louisiana State University Press, 1948. \$6.00.

This is one of the ten volumes in a projected collaborative history of the South under the editorship of W. H. Stephenson and E. M. Coulter. Since almost no period in the history of that region or of the

United States has been so minutely investigated by historians as the period with which this volume is concerned, few new facts or sound new interpretations can be expected. Professor Sydnor, however, has not only uncovered some new data but has presented a judicious account of three decades of Southern history and of the Federal relations of the South.

The author's main thesis is that the South had lost by 1848 much of its influence in the formulation of national policies and had become not only a virtually helpless minority in the Union but a very conscious and resentful minority convinced of the superiority of its institutions and pessimistic with reference to its future as a part of the United States. The major portion of his book seeks to explain how the South sank to this condition and developed its proud and gloomy outlook. The fundamental factors were geographical and historical, and they decreed monoculture, the slave system, and the ideals and interests of country gentlemen. While the North East and the North West were changing rapidly and waxing stronger every decade, developing factories, diversifying agriculture, improving means of transport, and receiving an increasing stream of European immigrants, the South remained comparatively static except for a westward movement of its population, an expanding output of staple crops, a widening of the basis of suffrage, and some improvements in education. Climatic and topographic handicaps, lack of capital and technology, and fixed interests and value patterns prevented diversification, and inability to effect a stable alliance with any other section of the Union nullified attempts to recover Southern power by means of political devices.

The gloomy forebodings of Southern leaders therefore seem to have been justified. The South would either have to accept a sort of colonial status within the Union and make the best of it or else secede and try to maintain its independence. And one may add that even if the second course could have been followed successfully so far as the rest of the United States was concerned, it is likely that the new nation would soon have become a

satellite of Great Britain. For the South's afflictions there appears to have been no satisfactory remedy.

If any outstanding segments may be selected from a volume so uniformly satisfactory, perhaps the chapters dealing with the Missouri Compromise and with the Southern state and local governments might be chosen for special praise. Worthy of commendation also is the "Critical Essay on Authorities," which exhibits wide and careful research and no defects except the omission of a few pertinent biographies and some excellent articles on Southern education.

J. FRED RIPPY

The University of Chicago

ARNALL, ELLIS GIBBS. *What the People Want*. Pp. 286. Philadelphia: J. B. Lippincott Company, 1948. \$3.50.

In *The Short Dimly Seen* Ellis Arnall discussed thoroughly, and in excellent literary style, the economic and humane reformation which occurred in Georgia during his gubernatorial administration. In *What the People Want* the ex-governor reports on a national lecture tour in which he traveled over 75,000 miles in forty-seven states. The earlier book possessed more unity and coherence than does the latter. Furthermore, in the first treatise the writer grazed the canopy of literary stardom in expression. In the present volume, some of the narrative hovers too near the canyon of mediocrity.

The author's faith in democracy was strengthened and his dedication to liberalism renewed by his extensive travels in these United States. It is this abiding belief in liberal democracy that he is most anxious to convey to the reader. Arnall is neither a profound philosopher nor a propagandistic demagogue, but he is a straightforward, sincere public servant.

According to this southern liberal, the people want peace, they desire more frankness in our political leaders, they would like to see the shroud of secrecy removed from our foreign relations, they are eager for the further strengthening of our bipartisan foreign policy, and they demand ample defense in keeping with the gravity of the international situation.

Domestically, says Arnall, the masses yearn for individual security "without the sacrifice of any essential freedom"; they have faith in an economy of abundance to be created through full employment; they "want labor held accountable for [its] contracts"; they favor a stabilized cost of living; they urge a national health program; they will support a realistic and democratic educational program; they object to racial, religious, or any other kind of minority persecution; they oppose any policy leading to bureaucracy, "and the military is the most dangerous of all bureaus"; and, finally, they require ample housing at reasonable costs.

But, there are obstacles to overcome before these multiple wants can be attained. Among the changes advocated are: the abolition of Northern imperialistic policies toward the colonial South and West, the achieving of economic freedom without which political freedom is impossible, the energizing of state governments which are the "weak spots in United States government today," the removal of the threat of big business to free competitive enterprise, the abolition of local and sectional threats to a sounder concept of civil rights, the correcting of the Wallace third-party error, the promotion of a conservative party with a responsible sense of obligation to the social needs of our people, and, lastly, the removal of the menace of monopoly. "There is nothing the matter with America," he optimistically concludes, "that a good dose of democracy will not cure."

GEORGE C. OSBORN

University of Florida

MARION, GEORGE. *Bases and Empire: A Chart of American Expansion*. Pp. 199. New York: Fairplay Publishers, 1948. \$3.00; paper, \$2.00.

This book is an unabashed Marxist description and interpretation of the growth of an alleged American Empire, with special stress on the acquisition of military, naval, and air bases since 1941 as the foundation for building, consolidating, and protecting American global power. As the author puts it (p. 17):

"The bases themselves are meaningful only in the context of a system of global

power established by the United States during World War II. What we are demanding, broadly viewed, is not exactly new bases but the consolidation of the military empire acquired in the course of the past five or six years. The public, following the battles, grew familiar with strange place-names in every corner of the earth. It has yet to learn, however, how many of these names are now permanent features of American power-geography, rooted in a long history of overseas expansion. They add up to a global military-strategic empire, built so quietly that only skilled listeners could hear the carpenters at work."

But, Mr. Marion contends, we should not so overemphasize expansion in the Pacific that we overlook the fact that the new official policy is also to convert the Atlantic "into an American Lake," and to get strategic domination over the Western Hemisphere. The current arms race is only an essential and secondary phase of this effort to create and defend the new American global designs. The author contends that "today you can stick a pin anywhere on the map [of the world] and prick an American general or admiral."

In this way, the book is an extended defense of the thesis of Professor Louis M. Hacker, offered in 1934, that the New Deal would probably end in a great American imperialistic war, though by 1942 Professor Hacker was all out for this war. Yet, Mr. Marion contends that all this is no sudden, novel development; it is only the fruition of a half-century of imperialistic expansion which was launched by Admiral Mahan and his political supporters in 1898. But the most sensational growth of American power politics and empire has come since 1941, and Mr. Marion seeks to establish this fact by charts on pages 162 and 164-67 showing the American empire before and after World War II.

In a way, this book is the Marxist answer to James Burnham's *The Struggle for the World*, which stresses Soviet plans for global supremacy. After making all necessary reservations and qualifications, due to Mr. Marion's Marxist reasoning and probable exaggerations, the book does succeed in proving that, if there is a real "struggle

for the world" today, the United States is not inert or lagging in aggressive enterprise. In other words, the book cannot be laughed off simply because of its Marxist frame of reference. It contains much cogent information not otherwise currently available to American readers.

If, as alleged, leading American dailies have refused advertising space to this book, it is further evidence of the recognition that it packs considerable dynamite. In case the book is misleading, then the desirable procedure is not to attempt to suppress or obscure its allegations, but to bring them out in the open and answer them.

HARRY ELMER BARNES

Cooperstown, N. Y.

KNOX, DUDLEY W. *A History of the United States Navy*. Revised edition. Pp. xxiii, 704. New York: G. P. Putnam's Sons, 1948. \$7.50.

This revised edition of Commodore Knox's naval history has been created by reprinting the 1936 version and appending to it 198 pages on World War II. The one-volume survey thus formed devotes about a third of its space to the recent war.

Obviously, the added portion could not include a complete operational history of events since 1941; but the alternative of a co-ordinated review is also made impossible by the detailed narrative presentation which the author adopts. Moreover, the narrative is not enlivened by an easy style, although it does offer interesting descriptions of such things as viper-like (German) and gallant (American) submarines. More seriously, the value is substantially reduced by many errors and contradictions, of which the following are only a few: the development of amphibious warfare by the United States made great progress before 1941 (p. 440), but in 1942 we were guilty of backward thinking and training in that field (p. 459); the Navy was diligent in adapting airplanes to fleet work (p. 437), yet the pioneer naval aviators had a long, hard fight to make the Navy air-minded (p. 561); the 2nd Marine Division is mistakenly sent to Iwo Jima instead of the 5th (p. 601); and the commanding officer of the Atlantic Fleet is variously R. E.

Ingersoll (p. 451), R. R. Ingersoll (p. 518), and just plain Ingersol (p. 528).

Errors, however, are not so important as the question raised by the book's declared purpose of proving the "national value of the Navy's work" and furnishing "a source of inspiration to the Navy itself." It is natural for a naval officer to defend his profession, but the special pleading required seriously weakens a historical study: the Commodore seizes every opportunity to shift his fire from the Japanese to the persistent shade of General William Mitchell (pp. 438, 476, 561, 628); he turns his main battery upon Hitler as the man who "cursed the Germans with a unified command which unduly favored the Army"; and he even sends a salvo winging toward Capitol Hill in defense of the American system of command which has been proved to be "superior and well worthy of perpetuation in principle."

A noticeably partial seaman's eye is used to judge events as well as policies. "Responsibility for the defense of Pearl Harbor was vested in the Army," although Admiral Kimmel, "when temporarily in port personally," became "indirectly responsible . . . [for] aiding the Army's shore defenses." Thus the Navy "shared in the responsibility for the disaster." Preparations for the Battle of Midway, including one of the "most remarkable strategic movements in history," are described without reference to our possession of the Japanese code. And naval harmony prevails as the controversy over the battle for Leyte Gulf is gently resolved with discredit to no one.

Curiously, the atomic bomb is mentioned merely as an incident in the Japanese preparations for surrender; the closing encomium to sea power ignores Operation Crossroads.

RICHARD C. HASKETT

Princeton University

WECTER, DIXON. *The Age of the Great Depression, 1929-1941*. Pp. xii, 362. New York: The Macmillan Company, 1948. \$5.00.

This book begins in mid-October, 1929, with Herbert Hoover in the White House and with the prediction that poverty was

to be banished from the Nation. It concludes on Sunday afternoon, December 7, 1941. The intervening chapters tell the story of what will unquestionably be regarded when final appraisals are made as the most crowded years in the Nation's history. In a volume that awakens admiration on many counts, perhaps the major contribution of the author is his systematization of an intricate and bulky mass of historical detail, in such a way that one does begin to see the over-all picture in spite of the multitudinous details that constitute the era of the Great Depression and Roosevelt's first three terms as President.

Dixon Wecter, chairman of the research group at the Huntington Library in California, has written what is basically a study in social change. The enormous amount of data he has drawn together reveals how fundamental were the transformations in American life that are associated with the New Deal years. His treatment encompasses the economic and political life of the 1930-40 decade, but goes far beyond to include education, science, religion, literature, regionalism, leisure-time activities, and city-urban relationships—to mention but a few of the larger topics. Naturally the figure of Roosevelt is a dominating one, and yet the treatment, while generally sympathetic both to the man and to his programs, is not apologetic or partisan. The author's evaluation is perhaps best epitomized in the quotation he attributes to an Englishman, to the effect that while Roosevelt did sometimes give the wrong answers, as a President he did ask the right questions.

Relief, recovery, and reform were the three basic problems that loomed large. In the attack upon the first, a new concept of the relation of the individual to his government emerged. It was with the second that success was most limited, while the Roosevelt years were characterized by significant and far-reaching social advances which have now become generally accepted as desirable reforms in the American scheme of life.

For the reader now in middle years and beyond, the chapters will evoke strange and mixed memories. Through his mind

will flow recollections of all the alphabetic governmental agencies that loomed so large in public thinking in what already seems a somewhat distant past. Old emotions with respect to bank holidays, boondoggling, sit-down strikes, gold-fish swallowing, technocracy, and a thousand other events will be aroused. But Wecter's skill in assembling these diverse materials is such that they fit into a meaningful perspective to provide a pattern in terms of which the changes of these complicated and confusing years can be apprehended.

The author writes with the same facility of style that has characterized his earlier books, which fact, plus the intrinsic significance of the materials he is dealing with, makes for good reading. Not least valuable is his twenty-five-page running bibliography.

MALCOLM M. WILLEY

University of Minnesota

CHAPIN, F. STUART. *Experimental Designs in Sociological Research*. Pp. x, 206. New York: Harper & Brothers, 1947. \$3.00.

American sociological literature might be divided into textbooks and highly specialized research reports. The authors of the former seem to show indifference to the latter and the authors of the research reports rarely fit them into the larger setting of the textbook. These characterizations are no doubt wrong, as they are made by a foreigner with a penchant for hasty and superficial generalizations. In part they are the result of a desperate effort to find among all these texts a reliable survey of the really worthwhile research studies and an evaluation of what they have proved or shown as probable. Many research studies undoubtedly have no value. Others are often difficult to find, especially for foreign scholars, whose library resources may be limited and who would like to know what studies are worth the trouble of locating. Particularly one would want to know on what theory the research study rests and whether or not it is verified or invalidated by the investigation.

Professor Chapin explains that he is not paying much attention to the theory of

experimentation in sociology and refers instead to Greenwood's *Experimental Sociology* (1945). Rather, he gives some typical examples of sociological experiments and the different tools used by the experimenter. Numerous references give the reader a survey of different researches and a general idea of their value. The analytical chapter on available sociometric scales is sufficient to guarantee the book a place in every social science library. In this connection, the reviewer dares to express the hope that someone will bring all these scales together in a book with explanations of how they have been constructed and validated. This would make them "available" to sociologists, especially those abroad who are often unable to secure books and journals out of print.

While Professor Chapin eschews theory, it is obvious that his entire presentation rests on definite concepts concerning the nature of experimentation in general and that in sociology, in particular. I wish he had discussed in more detail the difference between sociological experiments and scientific experiments in general, especially social science experiments. That analysis is lacking in Greenwood's book also, yet one must assume that sociological experiments differ in some way from other social science experiments. A discussion of this problem would undoubtedly have compelled an evaluation of what the different sociometric scales actually measure and what measured items might be considered as sociological. There seems to be a risk that everything measured that touches on the social relations of man is also called sociology. Take the social status scale, for instance. According to Chapin, this scale may be used to investigate the extent to which a group's status deviates from the expected norm. Let us assume that a number of investigations have indicated that there is a much higher positive correlation between low social status and criminal conduct than between high social status and such conduct. The establishment of such a relationship is very important, but is it sociology? Not as I understand it. The causal explanation would not become sociological unless one could prove that low social status is character-

istic of groups that foster uniform conduct of a criminal nature or that low social status keeps a person from learning the social norms of the larger society so that such a person, everything considered, does not possess the common norms of conduct. Professor Chapin stresses (p. 124) that sociology is the study of human behavior and it seems clear to me that only studies of human behavior fit into a sociological discussion. The research on rentals and tuberculosis death rates in New York City, which Professor Chapin analyzes (pp. 124-39), is not sociology, no matter what value such studies may have. Here there is no question of behavior, nor of group behavior, which is the special field of sociology.

Social status is a variable and it is or may be necessary to hold it constant in certain sociological investigations, but it is not sociology until it can be shown that such a variable is correlated with social groups within which there are systems of social norms that determine the uniform conduct of the members of these groups. One may claim, of course, that the purchase of a radio, car, etc. is evidence of a certain behavior. To win group approval one must maintain a certain social standard just as one must behave according to specific rules in matters of morals, etiquette, etc. The advantage of a social status scale is then that it applies to objective social conditions (p. 48), i.e. one can secure easily verifiable criteria of uniform behavior. But, in addition, one must be able to point to a constant relationship between social status and social groups of a given category. The problem may also be formulated as follows: is social status the cause of a given behavior or is it behavior? When it is conceived as cause of a behavior it becomes necessary to hold it constant. If it is behavior it must be measured like other behavior. It is likely that when social status is extremely low it may cause asocial behavior. But one can not assume that criminality progressively declines with each successive rise in the social status scale. Rather, when we come to the lower upper and middle lower parts of the scale, different elements are to a large degree an expression of the norms of fashion and etiquette. The effort to con-

form with these norms may in turn provoke some persons to criminal acts but here the causal relationship is obviously of a different nature from that of low social status and criminal conduct.

Professor Chapin constantly stresses the importance of repeating sociological experiments, and deplors that this is seldom done. In part, I suppose this is due to the sociologist's almost superstitious respect for statistics which results in his spending too much time on the statistical analysis of trivial data. It would be interesting to see a renewed discussion between sociologists and statisticians of the value of the refined statistical tool which has been developed in the natural sciences, with their extremely precise and well-developed observational and experimental methods, to sociology with its as yet utterly primitive techniques of observation. Sociology needs a statistical apparatus, for sure, otherwise one could not speak of relationships among various factors, but one wonders if somewhat simpler analyses would not be adequate and if instead more time should not be spent in repeating researches, in order to see if a crudely observed relationship recurs and the search for causal explanations, if it does. At present, there is a risk that the type of sociologist, whom Sorokin calls the "fact-finder," will get the upper hand and that soon it will be impossible to see the forest for the trees. As for sociological experiments, they should, it seems to me, be primarily used to standardize sociometric scales and to test a given hypothesis concerning causal relationships suggested by some larger study.

TORGNY T. SEGERSTEDT

University of Uppsala

SAMUELSON, PAUL A. *Economics, An Introductory Analysis*. Pp. xx, 622. New York: McGraw-Hill Book Company, 1948. \$4.50.

Samuelson's "Economics" has a snappy style which may be appreciated by some. It drops to wisecracks at times. The language or use of words is too often shaky and inaccurate. And not unrelated to these characteristics is its glorification of ignorance—repeated statements such as

"The instinct of the non-specialist is nearly infallible," "Every one of college age knows a good deal about money, perhaps even more than he realizes" (!), and "An expert is entitled to only one vote along with everyone else." This sort of talk may make the inferior student (and teacher) feel good, but is it true?

The book has some good points in theory, such as its treatment of the price system (pp. 34–41), the recognition that the dollar has no single value (p. 288) and that the quantity theory has some weaknesses, and the statement that social *ends* must be left to philosophy, "public opinion," etc. (p. 14). It alludes rather frequently to classical and neo-classical economics. But the main slant is opposed to these good points. On the whole, Samuelson suggests that individual and social interests clash, that the average of prices is adequate, that the quantity theory is good enough for most purposes, and that the main "task" of "economics" is to find "proper" economic policies designed to establish what, as he phrases it, is "useful," "wise," "suitable," and "equitable." The references to other than his so-called "modern economics" are on the whole derogatory.

Essentially, Samuelson's "economics" is the economics of Keynes; it breaks with the evolutionary development of economics as a science; it comes "filtering down into textbook form," and thus, as Samuelson has stated elsewhere, "however bad it may be, it becomes practically immortal." (Harris, *The New Economics*, p. 147—a chapter by Samuelson on "The General Theory.")

The book can be said to center on the goal of "full employment": Through national *policies*, we must "create a high employment environment in which private virtues are no longer social follies" (p. 278). This involves controlling the "national income," and thus necessitates much collective action.

"National income" is taken as the "national product," *measured in currency* and including personal consumption expenditures, business investment and accumulation of trade inventories, balance of foreign trade, and government spending! In fact,

the book hardly touches real production, but deals only with substitution of one good for another—the closed-system, indifference-curve technique. Keynes's saving-investment mess appears. Cycles are "explained" as due to over-investment (over-saving). There is no functional analysis of producers' goods, it being assumed throughout that distribution concerns two classes, owners and workers! The term "enterprise" does not appear in the Index as indicating a factor of production; neither does "land," "risk," or "time."

Samuelson gets all tangled up in trying to show that while one bank can't create "money," two banks can; and then "sums up" by telling the poor student that "the thing to keep firmly in mind is that bank deposits are one of the three forms of modern [*sic*] money and quantitatively the most important" (p. 329). But what about *quality*? What about the quality of being valuable? In this economics of assumption, echo answers.

LEWIS H. HANEY

New York University

LEWIS, M. M. *Language in Society: The Linguistic Revolution and Social Change*. Pp. 248. New York: Social Sciences Publishers, 1948. \$3.85.

M. M. Lewis is director of the Institute of Education of University College, Nottingham. In the Introduction he designates the last fifty years as a "linguistic revolution" and places it among the "four great advances in human history." The first three are language itself, the advent of writing, and the invention of printing. The book is primarily concerned with the present period of "instantaneous transmission of speech and writing." He discusses the problems as well as the new vistas which this revolution brings. "The extension of literacy and the development of linguistic communication, instead of freeing the mind and spirit of the common man, may commit him more deeply into the hands of the few" (p. 8).

The social psychologist will find little which is new in this work. While the author seems fully conversant with most of the significant scholarship in this field and reviews and integrates it rather well,

there is little which is original in this particular work.

The author uses his rather broad theme as a vehicle for drawing together a great deal of competent scholarship from such widely diverse ages and specialties as those of Locke and Malinowski, Myrdal and Darwin, but the whole is neither profound nor essentially novel. If, as is quite defensible, the author intends his book for the lay reader whose familiarity with the source materials cannot be assumed, then the book may be an important one, since it is well written and soundly based.

There are occasional statements in the book which, lacking empiric verification, seem unfortunate. "People read more; they also write more." The second does not follow from the first. There is, in fact, considerable empiric evidence strongly suggesting that the majority of people are actually reading less as time goes on. One might also question the logic of such phrasing as "the progress of man's command *over* language" (italics ours). This reification is denied by the author himself in his discussion of language and mind in which he clearly, and rightly, shows the virtual identity of the two.

The above criticisms, however, and others of a similar sort which we do not mention specifically, are relatively minor. While in no sense brilliant or outstandingly novel, this book represents a competent piece of work which at least moderately well integrates a wide variety of materials from differing sources into a well-written and essentially accurate work. The layman to social psychology will find it more useful than will the specialist.

JOHN F. CUBER

The Ohio State University

SALTER, LEONARD A., JR. *A Critical Review of Research in Land Economics*. Pp. v, 258. Minneapolis: University of Minnesota Press, 1948. \$4.00.

This book is a doctoral thesis, but by no means the usual type of such thesis. The man who wrote it had already worn for several years the mantle of the late George Wehrwein of the University of Wisconsin, having been chosen among all others as best fitted to carry on after



Wehrwein the development of the field of land economics at the University of Wisconsin in the Ely-Taylor-Wehrwein pattern. Leonard Salter had already devoted thirteen busy and varied years to intensive work in this field, first, at the University of Connecticut, and then, before going to Wisconsin, with Dr. L. C. Gray and others in the Department of Agriculture all through the pregnant New Deal years. He became in those years one of the leading figures in a small group in Washington and throughout the states who took upon themselves the mission of establishing land economics as a special discipline and field of research. It is not fanciful to say that Leonard Salter gave his life to this mission; for if he had not been so absorbed in it while working under Dr. Gray in the Resettlement and Farm Security Administrations he would have taken the needed time to complete his graduate work then, and he and all his family would not have been at the LaSalle Hotel on the night of the fateful fire in June 1946—he was joining his father there on the way to the commencement exercises at the University of Minnesota.

What Salter does in this book is to present a certain conception of research in the social sciences, and then to review in terms of this conception the published reports of research projects, and more especially a small group of projects having to do with land utilization and related subjects in certain areas. His conception can be briefly stated as follows: Social science research must result in conclusions as to the best course of action. It must discover this best course by seeing what consequences have followed, in actual life, from different courses of action—this Salter refers to as the experimental method. Preliminary to this, there needs to be a framework of hypotheses as to these courses of action and their consequences. This framework must be highly flexible so that it can be reshaped in the course of the research. But before any hypotheses can be formulated, there must be a clear idea as to the problem that is to be solved. In presenting this conception of research, Salter draws upon the ideas of the philosopher John Dewey.

Most students of research method have put major emphasis upon the second of the foregoing—the correlation of courses of action with consequences. Salter would put much more than usual emphasis upon the two prior steps. He criticizes the Social Science Research Council's handbook on *Research Method and Procedure in Agricultural Economics* because of devoting most of its space to the correlation step. His own instructions for this step are as follows: "Use various known techniques and develop new ways to construct generalizations concerning the conjunction of particulars among the observations of actions and consequences." It is with respect to this step that his analysis of the research projects in land economics is least constructive, and for which his own equipment was scarcely adequate. In consequence, his statements, for example, of the limitations of conventional farm management survey technique, and of land utilization studies limited to land classification, while valid as far as they go, fail to point out their really vital shortcomings. He could have obtained some help in this part of his undertaking if he had made use of the Social Science Research Council's Bulletin Nos. 2, 13, and 20 on the *Scope and Method of Research in Land Utilization, Land Tenure, and Farm Management*—which use, for some odd reason, he seems carefully to have eschewed.

A study of this sort has been much needed. Land economics research thus far has suffered largely from indirection. The critical suggestions are on a high level and should be very helpful especially to new workers entering this field.

JOHN D. BLACK

Harvard University

NAIDU, B. V. NARAYANASWAMY. *State and Economic Life* (Sir Kikabhai Premchand Readership Lectures). Pp. 140. Delhi, India: The Delhi University, 1947.

Dr. Naidu's eight lectures constitute an analysis of the Indian economy and a program for India's economic future. He deals with the problem along three main lines: agriculture, industry, and finance. In each case, he outlines the need for positive governmental action to ensure a

soundly functioning economic system. Indeed, so strongly is the author convinced of the place of centralized control that he devotes an entire lecture to the subject. He rejects laissez faire economics in favor of a mildly socialistic planned economy.

One of the basic land problems in India involves the increasing of the food supply, without cutting down the number of acres devoted to the production of industrial raw materials. India does not produce enough food, yet it needs land for cotton, jute, and other fibers, as well as indigo, opium, and tobacco. The obvious solution—increasing the productivity of the land—involves considerable and even drastic governmental intervention. Such measures range from irrigation to compulsory consolidation of uneconomic holdings. The credit needs of farmers are immense, even though their current debt problem is critical.

In regard to industry, the problem involves both expansion and balance among industries. The nation's industry is poorly developed in relation to its mineral and human resources. Some consumer industries are extensive, but the heavy industries are often in a beginning stage. The author favors central planning and considerable nationalization as the necessary means for industrial growth. Four principles should be invoked when nationalization is being considered. The state should take over or initiate an industry (1) where public interest is paramount; (2) where rewards are too delayed to attract private capital; (3) where unsocial practices currently prevail; (4) where nationalization would bring about a net increase in public welfare. Public control should be under a board of the Tennessee Valley Authority type, rather than under political or worker control.

Dr. Naidu lists specific industries which should be encouraged, such as rayon and aluminum. To help such industries, he favors a protectionist policy, preferably within the framework of the International Trade Organization. He also favors a constructive labor policy, emphasizing labor-capital co-operation rather than a trade union movement which is aggressive rather than constructive.

For finance, the author favors state control of the banks, a mildly deflationary policy, and an encouragement of foreign investment, without colonial or imperialist overtones. Domestic fiscal policy should be correlated with bank policy, particularly contracyclical measures. Furthermore, the state should be committed to strong social welfare policies, such as housing improvement.

While the author's proposals may seem drastic, they represent a carefully thought-out program to meet India's needs. One may wonder, however, whether or not the Government of India has the political maturity to implement such a program, at the same time safeguarding or even advancing the democratic processes in this new nation.

JOHN F. CRONIN

Washington, D. C.

GOODBAR, JOSEPH E., and LORENZO U. BERGERON. *A Creative Capitalism*. Pp. xii, 376. Boston: Boston University Press, 1948. \$3.75.

Recognizing the partial validity of the Marxian diagnosis of profits but disavowing its pessimistic conclusions, challenging the complacency of economic orthodoxy based on Say's dictum that production creates equivalent purchasing power, and abjuring all modern forms of governmental intervention from Keynes to Stalin, the authors would avert socialism by controls calculated to make capitalism "creative," "dynamic," and "self feeding." Specifically, they would close the gap between selling prices and purchasing power at full employment—reckoned at about ten billion dollars per year, following Ezekiel.

This deficiency would be eliminated by three principal devices: an incentive tax on undisbursed private balances to stimulate investment; a government agency to act as a "safe keeping deposit" for excess funds not required by private business; a public investment program to absorb the surplus funds entrusted to the government agency. As a desirable corollary, they would reduce the national debt by 140 billion dollars over a twenty-year period by a 5 per centum tax on the "added value" created at each stage of production, this tax being included in selling prices but off-

set by an equivalent increase of private expenditures either from cash balances or bank credit.

The analysis illuminates the mechanics of stagnation—strategic business decisions which restrict purchasing power—but the proposed remedies are unrealistic. The incentive tax—more properly a penalty tax—will not stimulate investment contrary or disadvantageous to private interest; moreover, the tax can be avoided by a flight of capital to the government agency, where conditions respecting safety, rights of withdrawal, and liquidity are so favorable as to attract rather than repel funds. The government agency would become a national repository for excess savings and the responsibility for finding investment outlets would devolve on the Federal Government. The exercise of this responsibility over a protracted period and in the magnitude indicated would necessitate a great extension of public enterprise—the very consummation the authors are so anxious to forestall.

If, as they affirm, capitalism on its own initiative cannot provide full investment, full employment, and adequate purchasing power then it is functionally obsolete and beyond resuscitation; governmental intervention can prolong its senility but cannot revitalize it or restore its creative powers. Hence, the authors are caught in a dilemma created by their own premises; all their ingenuity and wit fail to extricate them. On these assumptions a middle-of-the-road approach, with more attention to developing a sound program of public investment and less to saving capitalism from its inherent defects, would have proven more successful.

HORACE M. GRAY

University of Illinois

WINSLOW, E. M. *The Pattern of Imperialism: A Study in the Theories of Power*. Pp. xii, 278. New York: Columbia University Press, 1948. \$3.75.

For the last fifty years imperialism has been widely regarded as a product of capitalism. This theory, rarely challenged in the period preceding and following World War I, has been put to a searching test by an American economist in a thought-pro-

voking and well-documented book. Dr. Winslow discusses in detail the theories of economic imperialism, advanced by Hobson, Marx, and the neo-Marxists, and he arrives at the conclusion—which has been shared by many students of history—that modern imperialism is only a new form of an old behavior pattern which can be found active and potent under any economic system. The causes of war and imperialism may have their roots elsewhere than in free enterprise or in the market place. In fact the free market place is one of the first victims in any major conflict. Dr. Winslow rightly points out that the oversimplifying habit of blaming war and imperialism on the economic system diverts attention from the field of political ideas and action. This argument frequently heard among political scientists has been reinforced powerfully by the economic analysis supplied by Dr. Winslow. In his conclusions, he shifts the decisive field from economics where, as he claims, rationality has been achieved, to politics and behavior from where spring the irrational power menaces. Capitalism and socialism can both be instruments of welfare or of power.

Perhaps least satisfactory because by necessity too general is the last section of the book, which presents imperialism and war as political phenomena. Again this reviewer finds himself in agreement with Dr. Winslow's position that the noneconomic forces driving to war and imperialism must be found in the field of ethical judgments, in the area of human values. Can war and imperialism give way to more economical and rational behavior, as the nineteenth-century liberal capitalists with their emphasis on free individuality and free interchange believed? Or are historic memories and old behavior patterns too strong against this very recent growth of rationality? Nationalism, a political force with many irrational elements, is much more susceptible to falling victim to the aggressive power complex than a rational economic system would be. "In the process of surrendering to the cult of power, nationalism has lost its original democratic and liberal attributes. The problem of securing international order and peace is that

of recapturing these attributes by ridding nationalism of its power complex." Dr. Winslow does not believe that a world organization itself can help, for there is no solution to the power problem in terms of power itself. Modern democracy believes that men can live together without recourse to violence and resolve their differences by discussion and compromise in a spirit of tolerance and mutuality. Does that not presuppose a high political maturity and a common frame of reference? Can it be expected to work everywhere? Dr. Winslow's solution points in that direction, "an attitude which invites instead of repels reconciliation, which aims to cleanse sovereignty and nationalism of their power complex, and which replaces the weapon of violence with non-violence in creating a peaceful world system, a program as old as Christian religion itself and as modern as Gandhi's movement." But it is by far not certain yet whether Gandhi's movement left India a peaceful democracy without violence and without imperialist ambitions. In fact, it may be doubted whether his leadership did not help to arouse irrational atavistic forces working against rational solutions, though Gandhi himself was a wise rationalist. But there can be no quarrel with Dr. Winslow's ultimate and general statement: "World politics is as much in need of a type of control consistent with democracy as capitalism is in need of a type of control consistent with free enterprise."

HANS KOHN

Smith College

STOCKING, GEORGE W., and MYRON W. WATKINS. *Cartels or Competition? The Economics of International Controls by Business and Government*. Pp. xiv, 516. New York: The Twentieth Century Fund, 1948. \$4.00.

*Cartels or Competition* deals comprehensively and factually with the threat to free enterprise and competitive markets presented by the rising tide of economic collectivism in the form of private cartels, intergovernmental commodity agreements, and state monopolies. It reviews the decline of competition and the growth of cartels, examines the forms, magnitude,

and economic consequences of the cartel movement, and explores alternative policies for dealing with cartels.

The authors define the cartel as any arrangement among producers in the same line of business which is designed to or results in limiting or eliminating competition among them. They spell out a convincing indictment. Cartels, they find, "tend to raise or support particular prices" whose inflexibility "probably aggravates instability" of the economy; tend to practice price discrimination; obstruct industrial expansion; and restrict investment. The last point is crucial in view of the importance of investment to economic progress and the volume of income and employment in the economy. Moreover, cartels "obviously strengthen the forces pushing toward retrenchment and aggravate imbalance in the economic system . . . and may completely nullify" government efforts to counteract deflation.

In the final chapter the Committee on Cartels and Monopoly, appointed by the Twentieth Century Fund, presents a report based upon the findings of Stocking and Watkins. Here is outlined a program of public and private action for eliminating existing international cartels and preventing the growth of new ones. Recommendations offered embrace both international action through the International Trade Organization and national action by the United States which, "acting alone, may be able to do more in the near future to curb cartels than can ITO." Reform of the antitrust laws in order to strengthen their effectiveness in combating cartels is suggested.

The committee recognizes that international cartels represent only one facet of the basic problem of concentration of "private" control of the economy; and that "it would be very hard, if not impossible, to secure effective competition in international trade while permitting monopolies to grow in the American economy." Anticartelism begins at home. But, alas, we lack a coherent, consistent policy in the domestic sector. We live a double life. We pine for the snows of yesterday, periodically initiate trust-busting campaigns, pass special legislation in behalf of

small business, and get red in the face at the mention of the horrid cartel. Yet concentration continues to grow throughout the economy in prosperity, in depression, in wartime.

United States policy makers must soon adopt a policy toward international and domestic cartels and the restrictionism for which they stand. Alternatives include doing nothing, deliberate encouragement of cartels, acceptance and regulation, nationalization, and the solutions sought by the antitrust laws, i.e. breaking them up and fostering competition.

This penetrating, tightly written volume furnishes grist for intelligent consideration of such thorny questions as how can America maintain an economy based on free enterprise and competitive markets when most of its prospective export customers and import suppliers are state trading monopolies. This book should be prominently featured on the reading lists of many economics courses. It should be read carefully by all students of public economic policy as well as by economists. It may serve to transport some economists from the ivory tower into the realm of reality.

MYRON L. HOCH

The College of the City of New York

LAUTERBACH, ALBERT. *Economic Security and Individual Freedom: Can We Have Both?* Pp. iv, 178. Ithaca, New York: Cornell University Press, 1948. \$2.50.

Although it is extremely doubtful that Professor Hayek's *Road to Serfdom* (Chicago, 1944) has deserved the attention it has received, it at least has had the merit of evoking answers from various writers in economics and politics. Although Mr. Lauterbach does not attempt to rival the polemics of Professor Hayek, as Professor Finner did in his *Road to Reaction* (Boston, 1945), he nonetheless disposes of the bogey that democracy is incompatible with planning and that regulatory or interventionist statutes are a process in forging chains of slavery. In this regard, Professor Lauterbach's book is comparable to such recent literature as J. M. Clark's *Alternative to Serfdom* (New York, 1948), C. E. Ayres's *Divine Right of Capital* (Boston, 1944),

and Barbara Wootton's *Freedom under Planning* (Chapel Hill, 1945), to mention only a few of the antidotes to Hayek.

It is Mr. Lauterbach's contention that the real danger to democracy stems from widespread economic dislocations which produce oppression and fear and that laissez faire, which has resulted in a drive toward monopoly as a logical outgrowth of competition, is not adequate as a control of economic life.

To the question of whether a general economic plan can provide leeway for individual initiative, Mr. Lauterbach's reply is that it depends on the kind of plan, and he proceeds to explain eight kinds ranging in degree from the totalitarian varieties to ones with a minimum of intervention to preserve competition. Democratic planning may have recourse to one or a combination of methods including indirect control of production, industrial self-government, industry-wide regulation by government, mixed enterprise, co-operatives, nationalization, and socialization. All of these devices admittedly reduce the significance of private property, but private property has been losing its significance in many sectors of the economy for a long time.

Regardless of the method of social control employed, Mr. Lauterbach emphasizes the necessity of preserving individual liberties in the execution of such control. Hence, social control wherever possible should concentrate on the control of the mountain peaks of the economy rather than every nook and cranny. Moreover, the selection of leadership for the social control of economic life should follow the traditional processes of democracy reinforced by modernized governmental procedures, and the expert should neither rule nor occupy a prominent position in the execution of social control. Such procedure includes the traditional safeguards of free elections, representative institutions, civil liberties, and the addition of civic education.

In a concluding chapter Mr. Lauterbach analyzes generally the social systems of the twentieth century and notes that: "The marriage of liberalism and socialism, of individual freedom and social control, may

look at first like a *mésalliance* to the intellectual parents on both sides; yet such a combination presents in western society the only real hope for our generation" (p. 156).

Professor Lauterbach's book is clear, concise, and informative, and represents contemporary economic analysis at its best. Though realistic in his analysis of current political and economic conditions, his outlook is that man through collective effort can be the master of his economic and political destiny.

ROBERT J. HARRIS

Louisiana State University

LIPSON, LESLIE. *The Politics of Equality: New Zealand's Adventures in Democracy*. Pp. xiv, 520. Chicago: The University of Chicago Press, 1948. \$6.00.

Professor Lipson, for eight years at Victoria College, University of New Zealand, and now at Swarthmore, has written a wise and discriminating study of politics and public administration in New Zealand which has a utility far beyond its specialist relevance. Acutely aware of the problems of democracy throughout the world, Professor Lipson has kept steadily in mind the ways in which New Zealand's experience and practice correspond or contrast with that of other nations, thus casting almost equal light on what happened to New Zealand and what happened overseas in the last century. The study is organized on historical lines and the first part deals with the story from the founding to 1890, the second from 1890 to 1947. Utilizing the relevant published literature, though the bibliography has deficiencies to be noted, Professor Lipson has supplemented it in maximum measure by monumental labors in the sources, notably the Parliamentary Debates. He seems to have reviewed the latter very carefully from 1854 to the present day, a chore before which most of us would quail.

What he has sought to do is to discover the genesis of the idea of equality in New Zealand, an ideal which the New Zealanders, in striking contrast to the Americans, came to place higher than liberty in the hierarchy of democratic values. The year 1890, when the liberal Government (later

led for many years by "King Dick" Seddon) came to power, is the great watershed. In modern times the ideal of equality has been steadily pursued and Professor Lipson suggests a statue to it in Wellington Harbor to match our Statue of Liberty in New York Harbor! This devotion has led, he shows in detail, to the democratization of the suffrage, the democratization of the machinery of government (although with steady increments of power to the cabinet), the extension of equalizing government activities and policies into all those areas of economic life where an uneven break might otherwise eventuate, and, in general, to the triumph of the average over the exceptional deviation whether toward riches or poverty, or toward acknowledged personal superiority in any form. New Zealand's danger, Professor Lipson believes, is that while it has established the "divine average" fairly successfully it may turn out to have achieved nothing more admirable than a "secure" mediocrity.

This exercise in social criticism is conducted chiefly in terms of a critique of the machinery and personnel of government, including Parliament, the Cabinet, and the administrative service. The content of social and economic legislation is not elucidated to any extent. The book therefore seems to be addressed first of all to political scientists, but it will be a mistake for any readers interested in public affairs to neglect it. For example, the Labour Party experiments in Britain were not in a shape, when Professor Lipson was at work, to offer him material for comparison and contrast, though Mr. Attlee and others invoke New Zealand's example on occasion. Today they are assuming that shape and a discerning reader acquainted with them will find that much that Professor Lipson says is remarkably apropos. Britain, too, is seeking equality by combining democracy and a vague kind of socialism. Will the amalgam tilt Britain toward the same tepidly charming, but debilitating, mediocrity that has overtaken New Zealand? Is this, indeed, where democratic socialism must lead?

In a book peppered with names, chiefly of politicians, most of which will be un-

familiar to all but a minority of foreign readers, it seems strange that the bibliography does not include G. H. Scholefield's *A Dictionary of New Zealand Biography* (2 vols., Wellington, 1940). Since one of F. L. W. Wood's admirable books is included, why not his *Understanding New Zealand* (New York, 1944)? Why are not all the Centenary Surveys noted, at least collectively, since they supply useful material on the quality of New Zealand life? And Nash's book, which is included, has been published in New York as well as London.

C. HARTLEY GRATTAN

Katonah, New York

ROSS, ARTHUR M. *Trade Union Wage Policy*. Pp. viii, 134. Berkeley and Los Angeles: University of California Press (under the auspices of the Institute of Industrial Relations), 1948. \$3 00.

The author states that collective bargaining cannot be explained in terms of current wage theory and that the time has come to begin the task of theoretical reconstruction. His own basic observation is to the effect that wage rates are now determined by conscious human decision rather than by the stream of impersonal market forces. A little decision is merely the choice to be swept along in the stream; but there is real decision-making in collective bargaining today—decision that redirects the stream. His point of view is essentially dynamic, both as to the process of wage determination and as to the effects of negotiated wages, for example, on the size of the national income.

The study is not presented, however, as a "new theory of wages." The focus of discussion, the "central proposition," is that "a trade union is a political agency operating in an economic environment." The central objective of the union is institutional survival and growth. This conception of the union is substantiated, it is held, by the actual processes of collective bargaining, the fact that bargaining cannot be explained in terms of current wage theory, the nature and limitations of the responsibility of negotiators for their wage policies, and the characteristics of union-

management relations as affected by wage bargaining.

It is stated (p. 18) that many aspects of union life are truly democratic but that wage bargaining is poorly adapted to rank-and-file control. Mr. Ross would probably recognize, however, that the bargaining role of union officials as the responsible representatives of the rank and file is consistent with the accepted tradition and methods of democracy. Our Government is necessarily not direct but representative.

The book is an exceptionally stimulating and excellent study of one phase of union activity, which may be described as collective bargaining as a means of union survival and status. This role of unions is not necessarily incompatible with the influence of broader conceptions, whether valid or not, of how the economy in general functions or should function. Many union officials no doubt recognize that these are vital to the long-run maintenance of their unions as "going concerns." The main justification of the author's emphasis appears to be in relation to the problem of public responsibility of both unions and management in collective bargaining. It should be noted, also, that the volume is described as one item in the collaborative research program of the Institute of Industrial Relations at Berkeley, and it is understood that this account of collective bargaining as a "political" activity will be supplemented by studies emphasizing other phases.

WITT BOWDEN

Washington, D. C.

BAKKE, E. WIGHT, and CLARK KERR. *Unions, Management and the Public*. Pp. iv, 946. New York: Harcourt, Brace and Company, 1948. \$5.00.

The authors have brought together a remarkably comprehensive and representative collection of writings old and new on the subject of labor relations and policies. There are 171 listings in the index of authors and nearly 300 separate quotations. The authors range from Karl Marx to the National Association of Manufacturers; from Joseph Hopkinson, describing the

Philadelphia Cordwainers in 1860 as a criminal combination, to Golden and Ruttenberg on the union shop as democratic and necessary; from J. R. Hicks on "the law of marginal productivity" as "the most fundamental principle" to Matthew Woll on wages proportionate to productivity and mass consumption as the basis of mass production. The titles of the five main sections indicate more adequately than the general title the coverage and point of view: "Development of Unions"; "Response of Management"; "Collective Bargaining"; "Terms of the Agreement"; and "The Interest of the Community." The numerous subsections are introduced by editorial statements of varying length—statements which, taken together, summarize and supplement the selections and contribute a certain continuity and consistency. The group of selections relating to wage policies, for example, is prefaced by a three-page analysis of the processes of wage determination and of the nature of wage bargains, followed by questions regarding the public interest and the development of governmental wage policies to supplement those of unions and employers. Thus, the editorial comments are not mere summaries of the views of others; they include independent interpretations and editorial views regarding a number of controversial issues. Mainly, however, the comments are designed to raise questions and stimulate discussion.

The sources are focused, by selection and arrangement, on unions, the impact of their policies and practices on workers, management, and the public, and the issues raised "in the operation of industry and the economy as a whole, and in the maintenance and improvement of the American system of social and political organization." The selections were made, it is stated, not on the basis of editorial agreement with the views expressed but rather for the purpose of revealing the issues and facts; "the points of view and convictions of partisans are as realistic as the figures of a statistical table."

The volume should prove to be a highly successful achievement of the aim of the editors to provide the stimulus and infor-

mation essential for the intelligent discussion of labor problems.

WITT BOWDEN

Washington, D. C.

*Income, Employment, and Public Policy: Essays in Honor of Alvin H. Hansen.* Pp. 379. New York: W. W. Norton and Company, 1948.

Sixteen former students and close associates of Professor Hansen here present essays in honor of his sixtieth birthday. Naturally they reflect the influence of his teaching, his contribution to dynamic analysis of income and employment, and his sustained interest in public finance as a functional agency for stabilization of the economy at a high level of employment, production, and consumption. All of them, with the possible exception of David McCord Wright's "Income Redistribution Reconsidered," are in line with the general pattern of Keynesian-Hansen analysis. Directly or indirectly, they all deal with the now familiar discrepancy, cyclical or secular, between aggregate national income on the one hand and aggregate consumer spending plus investment, on the other. Most of them tacitly accept the idea of the necessity of "functional finance" with the specific objective of supplementing private investment by government projects and/or increasing the propensity to consume by redistribution of income.

The basic problem of economic stability is to maintain continuous circuit flow of money and of goods and services. In principle, if business depressions are to be avoided, every dollar paid out by business as costs and profit must come back to business from its recipients either as demand for goods or as investment in the productive process. This central problem was practically unrecognized before Keynes, except by a few unorthodox economists, like Hobson in England and Foster and Catchings in this country, all of whom were brushed aside as near-crackpots by the orthodox neoclassicists, who either could not or would not permit their thinking to range outside the traditional patterns and frames of reference. The new mode of



economic thinking ("dynamic," "process analysis") was greatly stimulated by the Great Depression. Keynes and Hansen made it academically respectable, and now it is the core of interest of most of the vigorous-minded young economists, whether or not they accept the basic (and variant) conclusions of leaders like Hansen and Keynes. The new analysis ramifies widely, in many directions and in great complexity, into new conceptions of public finance, the significance of the public debt (deficit spending vs. balanced budget), the "mature economy" idea (introduced to us by Hansen), economic planning, and the value sentiments and instrumental judgments of conflicting economic philosophies. Most of the literature, of course, is highly technical, involving much "model making" and mathematical reasoning, so that it makes sense only to the initiated. Nevertheless, the layman or the noneconomic social scientist can get a fair idea of the problems, theoretical and practical, which concern the young economists of the Hensen school by reading certain of these essays. (A broader view of the content of present-day economic thinking can be obtained from the recently published *Survey of Contemporary Economics*, edited by Howard S. Ellis under the sponsorship of the American Economic Association, The Blakiston Co., Philadelphia, 1948.) The political scientist will find specific interest in Benjamin Higgins' "Concepts and Criteria of Secular Stagnation," Sidney S. Alexander's "Opposition to Deficit Spending for the Prevention of Unemployment" (a striking analysis of rationalizations based on sentiments and vested interests), and Harvey S. Perloff's "Dynamic Elements in a Full Employment Program"—an outline for a program suitable to a complex dynamic economy—perhaps the best and most mature chapter in the book.

A. B. WOLFE

Ohio State University

KILLINGSWORTH, CHARLES C. *State Labor Relations Acts: A Study of Public Policy*. Pp. x, 328. Chicago: The University of Chicago Press, 1948. \$4.00.

This study of state labor relations acts and related legislation is a revision of a

doctoral dissertation. As such, it shows the effects of careful attention to details and the influence of comment and criticism. It is a thorough, well-organized, and comprehensively documented analysis of state legislation on collective bargaining and the status, rights, and privileges of those who participate in this important phase of modern industrial relations.

Two introductory chapters trace the development of public policy on collective bargaining and distinguish two principal components in such policy. In one of these—the protective policy—legislation seeks "to encourage the practice and procedure of collective bargaining and to protect the exercise by workers of full freedom of association, self-organization, and the designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection." In the other and more recent—the restrictive policy—emphasis is placed on the "primary rights of third parties to earn a livelihood, transact business and engage in the ordinary affairs of life by any lawful means and free from molestation, interference, restraint, or coercion." "Instead of encouraging collective bargaining, these 'restrictive' laws merely give a limited degree of protection to the right of workers to organize, while subordinating that privilege to other rights." The objective of this policy is to achieve industrial peace, without making an attempt, as do the protective laws, to eliminate low wages, sweatshops, industrial autocracy, and associated evils.

"Protective" laws include the first five of the state labor relations acts, those of Utah, Wisconsin, New York, Pennsylvania, and Massachusetts (all enacted in 1937), the 1941 law of Rhode Island, and the 1945 law of Connecticut. "Restrictive" laws include the 1939 revisions of Wisconsin and Pennsylvania acts, the 1939 laws of Minnesota and Michigan, the 1943 laws of Kansas and Colorado, and the 1947 revision of the Utah act.

A single chapter discusses unfair labor practices of employers, while three chapters consider unfair labor practices of employees and unions. An additional chap-

ter is concerned with means available to prevent unfair labor practices. Chapters follow on employee representation and elections, designation of appropriate bargaining units, election procedure, mediation and related means of settling work stoppages, and jurisdictional problems. A final chapter presents the author's conclusions and interpretations. There are appendices in which the author has classified and quoted the provisions of the several state laws on each of the major points raised in the text, and has summarized recent statistics of work stoppages and cases handled by several of the state boards.

Throughout, the author emphasizes two important functions of state labor relations acts—on the one hand to meet the needs of millions of employees who are well beyond the reasonable limits of Federal jurisdiction and, on the other, to provide an opportunity for experimentation in public policy in this dynamic field. He has sharply defined the areas in which the "protective" and "restrictive" philosophies are consistent and has as keenly pointed to the areas of conflict and inconsistency. All those who are interested in this important phase of public policy will find this book a treasury of significant and well-organized facts with respect to the details of state experiments.

This reviewer cannot but question some of the author's conclusions from his much less detailed analysis of the statistics of work stoppages—for example, his opinions that only mediation can be counted on to reduce such stoppages and that fact-finding has not demonstrated special usefulness. In this particular area, more careful analysis might justify somewhat different conclusions.

These are, however, not major considerations in the study. As a whole, it is an excellent analysis of an area of public policy that may be expected to attract and hold increasing public attention in coming years.

DALE YODER

University of Minnesota

STIGLER, GEORGE J. *Trends in Output and Employment*. Pp. ix, 67. New York:

National Bureau of Economic Research, Inc., 1947. \$1.00.

This little volume, bound preciously in silver (being one of the National Bureau of Economic Research's twenty-fifth anniversary series), presents and analyzes some of the data that the Bureau has collected and refined over a period of years in its effort to answer some of the economist's questions about the nature and results of resource allocation, extent of resource utilization, and economic progress in the American economy.

Following a summary of findings the book contains three chapters, eighteen tables, and six charts. Chapter one discusses trends in total output and in the composition thereof. Chapter two deals with the trends in the employment and allocation of the labor resource. Chapter three surveys changes in output per worker.

The data on output and employment cover the forty years from 1899 to 1939 and are derived from the major commodity-producing industries of agriculture, mining, and manufacture and the service-producing industries of steam railroads, electric light and power, and manufactured and natural gas. The covered industries produce about 40 per cent of the national income and employ about half the Nation's labor force.

According to the National Bureau's data the total output of the six major covered industries increased 189 per cent from 1899 to 1939, while employment rose only 30 per cent. Output per worker increased 122 per cent. Professor Stigler believes that, allowing for a downward bias in the output index due to the large improvements in quality of product and allowing for an upward bias due to the decline in household production, the actual increase in output may well have been considerably more than threefold. He also states that, due to the fall in average hours worked per week, there was no rise in man-hours of employment in the six industries during the forty years.

The effects of economic conditions during the thirties are plain: output was little greater (for the six industries) in 1939 than in 1929; and employment was much

lower. Only the increase in output per worker maintained its pace.

The outstanding shift in the composition of output was of course the yielding in relative importance of agriculture to manufacturing. Other interesting developments were the rise of consumer durable goods production, of processed foods, and of services (both private and public).

None of these things is new to the student of American economic development. But it is good to have refined data for one's use. And (as is not too usual in studies of this sort) Professor Stigler's analysis is particularly helpful because it refers to and integrates with the statistical story a good deal of economic theory.

CARROLL R. DAUGHERTY

Northwestern University

DURAND, JOHN D. *The Labor Force in the United States, 1890-1960*. Pp. xviii, 284. New York: Social Science Research Council, 1948. \$2.50.

The Social Science Research Council, the Scripps Foundation for Research in Population Problems, and the Federal Bureau of the Census have collaborated in the production of a first-rate monograph on past and projected future trends in the American labor force. The study should be of special interest to social scientists because of its effort to integrate important economic and noneconomic elements into the framework of statistical presentation and analysis of published and unpublished census data.

With respect to the total labor force (as defined), the study considers the rate of its growth and the trend of its ratio to total population. The average annual percentage increase has steadily declined from almost 3 per cent at the end of the nineteenth century to little more than 1 per cent by 1940. This trend is expected to continue, and a guess is hazarded that, if population growth ceases by the year 2,000, the labor force will cease growing before then. In view of this guess one wonders why the study expects the upward trend in the ratio of labor force to total population (35 per cent in 1890 compared with 40 per cent in 1940 and an estimated 41 per cent for 1960) to continue.

With respect to the composition of the labor force (by color-nativity, age groups, sex, etc.), main emphasis among these demographic factors is given to the employment of women, the rising entrance age, and the falling retirement age. There is also a chapter on the force of custom. But most of the discussion bears on the influence of custom upon the employment of women. It is to be regretted that a broader analysis of this important condition was not undertaken. (The emphasis on women undoubtedly arose from the belief that the most important element in a growing ratio of labor force to population is the entrance of women into the labor market.)

Chapter four of the study considers some of the short-term and long-term factors affecting the supply curve of labor. The author thinks that the commonly accepted short-run negative curve is inconclusively supported in theory or by statistics; but he does not argue for a positive curve. The review of long-run influences, to an economist, is likely to seem to suffer from serious omissions.

A concluding chapter deals with demographic aspects of labor force policy. Here too one is inclined to leave the discussion with a feeling of dissatisfaction and with the wish that a fuller, more specific outline of labor-market, labor-relations, and economic-progress problems had been presented to which the study's data are applicable in policy terms. In any case the monograph should be very helpful to any one who cares to try to supply what appears to have been omitted.

CARROLL R. DAUGHERTY

Northwestern University

FLORENCE, P. SARGANT, assisted by W. BALDAMUS. *Investment, Location and Size of Plant: A Realistic Inquiry into the Structure of British and American Industries*. Pp. xiii, 211. Cambridge: University of Cambridge Press; New York: The Macmillan Company, 1948. \$3.75.

This book is one of a number of studies published by the National Institute of Economic and Social Research and printed by the University of Cambridge Press in

England. It is a statistical study based upon English and American census data. The chapter headings are as follows: (1) "The Differentiation and Grouping of Industries"; (2) "The Measurement of a Prevalent Size of Plant in an Industry"; (3) "Determinants of Prevalent Sizes of Plant in Different Industries"; (4) "Location and Size of Plant"; (5) "Investment and Size of Plant"; (6) "Public Policy on Size of Plant"; (7) "General Summary." In addition there are five appendices containing supplementary data and comparisons between British and American industries.

The book is concerned mainly with differences between industries with reference to size of plant, location, investment, or mechanization rather than with changes in the character of industry as a whole. The treatment is statistical in character and must therefore be read slowly and studied to derive any benefit.

The authors have naturally experienced the old difficulty of finding criteria or standards of measurement in classifying industries as light or heavy and in comparing plants within the same industry. The number of workers, horsepower per worker, capital investment, and value of product all have defects for this purpose.

In his summary (Chapter VII) the author makes some remarks on the relative merits of small plants and large plants. "Large plants also present the risk of monopoly in private hands where the industry is localized, investment is high and, in aggregate, the industry is small. The precise risk is that the monopolist can set prices higher than his cost justifies, thus checking consumption and restricting employment. The remedy for private monopoly is obviously either a return to competition or a monopoly under public control. If the trend toward more intense investment and the association of intense investment with large plants is accepted as making for efficiency then public control to various degrees is indicated for certain industries."

It is to be noted that the author does not directly advocate public ownership. Perhaps he would agree that we have as yet no reason for assuming that public ownership is as efficient as private owner-

ship. At least our Government has had difficulty in establishing "yardsticks" for our industries.

DEXTER S. KIMBALL

Cornell University

BARNARD, CHESTER I. *Organization and Management: Selected Papers* Pp. xi, 244. Cambridge: Harvard University Press, 1948. \$4.00.

All students of the theory of organization, whether actively engaged in business enterprise or other types of institutional activity in modern society, should welcome this little volume as a fitting companion piece to the author's *Functions of the Executive*, published several years ago.

Like the previous publication, this new volume is a collection of essays each more or less complete in itself, but unlike it, *Organization and Management* does not represent individual parts of a single coherent series. Instead it consists of a group of nine papers presented by the author from time to time, for the most part to academic audiences on a variety of occasions. These papers, although presented in no pattern other than that provided by the order in which they were written over a decade or more of ripening experience, and dealing with a diversity of topics, nevertheless are interwoven with a common thread readily identifying the thoughtful and stimulating philosophy of management which marked Barnard's earlier work a valued addition to the shelves of all who seek to understand the difficult arts of organization and management.

This rich field has unfortunately received all too little systematic cultivation by competent workmen. Intimate experience is, as Barnard observes, indispensable to thorough understanding of organization. Few who have had ample opportunity to gain this intimacy at first hand, however, have the aptitude of expression or have possessed sufficiently the inclination to record an orderly exposition of their experience. Those who have acquired this lucidity of expression, on the other hand, not infrequently disclose a sad lack both of sufficient experience and understanding.

Barnard clearly is an exception. That he speaks with authority acquired in the

only way in which it can be acquired—through long exercise of authority in important affairs—is unmistakable. That this preoccupation with problems of organization in the concrete has served furthermore to develop a refreshing awareness of the importance of the individual as the underlying unit of organization gives a validity to his treatment of the subject that is almost unique.

The author's competence to discuss "principles and fundamental considerations in cooperative human relationships rather than merely concrete practices, policies, or schemes of organization" should recommend this collection of essays for thoughtful reading by all who bear important administrative responsibilities whether in private business or in public service. If it does not fully accomplish this mission, the fault unfortunately lies in the fact that few so engaged appreciate as fully as does the author that "a consideration of general principles and underlying conceptions—what we may call the philosophic approach to the concrete problem—is intensely practical."

W. N. MITCHELL

Chicago, Illinois

GLENN, JOHN M., LILIAN BRANDT, and F. EMERSON ANDREWS. *Russell Sage Foundation, 1907-1946* (Two Volumes). Vol. I, xviii, 350; Vol. II, ix, 396. New York: Russell Sage Foundation, 1947.

This is a biography of \$15 million. But it is also the history of an idea which has materialized and insinuated itself into innumerable good works. And it is the account too of the people who gave birth to the idea and whose faith caused it to materialize. One of those persons was Margaret Olivia Sage, whose philanthropy erected a post-mortem monument to a man whose life had not been largely devoted to "the improvement of social and living conditions." Another was Robert W. De Forest, a farsighted counselor to Mrs. Sage. A third was John M. Glenn, one of the authors, whose day-by-day leadership molded the Foundation and, for most of its history, wisely dominated it.

Although the Russell Sage Foundation, born in 1907, was not the first fund of

its type, its specific objectives were unique at the time. The interpretation of those objectives into administrative structure, publications, and grants, since it cannot have been comprehensive, has at least been flexible. The Foundation has been parent or at least assiduous nurse to many social programs which are now woven into the fabric of American living. These include the charity organization movement, organized recreation, some aspects of education, social statistics, child aid, the place of women in industry, social surveys and exhibits, delinquency and penology, consumer credit, and regional planning and development. The Foundation's direct work and research have cost \$12 million; its grants amount to \$9 million. The influence of its publications, its library, its membership on boards of many social organizations, and its development of leadership and thought in social fields—these intangibles may be more real than its material products.

The Foundation has had its difficulties of course. It has had to sink funds into projects which, important in themselves (like the development of Forest Hills, Long Island, for middle-class families), reduced its income. It has had to witness a decrease in general return from endowment over the period when costs and demands were increasing. Changes in staff have led to abandonment of some projects well started. Continued tenure of some staff, on the other hand, may have led to sterility. Over the period of forty years, the Foundation has changed, to be sure; but the structure is still a recognizable product of its earliest concepts. Is this stability desirable? The answer must be sought in these two volumes. They show an enlightened concept of the job to be done and report a substantial output for the money expended.

Is the product of the Foundation worth \$22 million? Is it worth more than an experimental outsize airplane? More fairly, one may ask, how does the Russell Sage Foundation measure up to comparable endowments in other fields? The Foundation is small in comparison with newer funds. Its subject matter is less tangible; its research cannot ring the same bell of

certainty. But there may be a more basic difficulty: do social scientists and the people in the field of welfare acquit themselves objectively with the same distinction as physical and medical scientists?

The history of the Russell Sage Foundation is simply and interestingly written. It discusses by decades all of the Foundation's major programs and the persons who made them. It is thus useful to the specialist for reference. It is still more useful to the generalist as a case history in the conscientious, and presumably discriminating, expenditure of a lot of money.

GEOFFREY MAY

Bucks County, Pa.

GOLDMANN, FRANZ. *Voluntary Medical Care Insurance in the United States*. Pp. xi, 228. New York: Columbia University Press, 1948. \$3 00.

There hardly exists an insurance topic more discussed and more misrepresented in our country during the last decades than health insurance. It is not only the fight between advocates of voluntary, as against compulsory, health insurance and related matters, which we find in thousands of articles; there is also a great variety of detail debated with unusual vehemence. One of the reasons might be that most authors seem to be familiar and connected with only one of the various institutions. Under such circumstances one has to be thankful to Dr. Goldmann, probably the most outstanding expert in public as well as private, in compulsory as well as voluntary medical care and health insurance, both abroad and in the United States. His first volume, on *Public Medical Care* (reviewed in the November 1945 issue of THE ANNALS), has now found a companion volume no less valuable.

This is the first comprehensive account of the matter published in America. Many a reader will be astonished to hear that "in many foreign countries voluntary medical care insurance . . . has been utilized for centuries. The reports on its achievements and shortcomings fill volumes." There is a close similarity between European plans in the second half of the nineteenth century and American plans in the forties of the twentieth century. At pres-

ent we find here. cash indemnity plans, nonprofit hospital service plans, nonprofit physicians service plans, nonprofit plans covering professional and hospital services, and group practice plans. A highly remarkable increase of participants in all kinds of such insurance is to be found since the thirties. Influential groups which were against each and every kind of health insurance began to favor voluntary plans which they recognized less dangerous to their finances than "socialized medicine."

Dr. Goldmann with an astounding objectivity explains the good and the bad sides of each plan. Thus, he probably will be attacked by the representatives of them all. He compares "the good intentions or enthusiastic pleading" with "the actual achievements" and he is sure that "voluntary medical care insurance can bring very limited benefits or services within the reach of a considerable fraction of the population. . . . There is a unique chance for this insurance to make real progress within its natural limitations, to help tens of millions of self-supporting people. . . . It lies in the combination of group prepayment and group practice wherever feasible, and in the inclusion of comprehensive professional services and hospitalization in one program." Dr. Goldmann's two volumes are teaching how to combine harmoniously the advantages of "public" and "voluntary" medical care insurance while at the same time eliminating the disadvantages of both.

ALFRED MANES

Bradley University  
Peoria, Illinois

LA VIOLETTE, FORREST E. *The Canadian Japanese and World War II*. Pp. x, 332. Toronto: University of Toronto Press, 1948. \$3.75.

This book reports in an objective manner what World War II brought to the 24,000 persons of Japanese ancestry who were domiciled in Canada.

Most of the Japanese lived in British Columbia, and for many years antagonistic feelings had been developing against them. Then came the attack on Pearl Harbor, which resulted in the strengthening of be-

liefs, rather well distributed and firmly held in this province, that the Japanese were a threat to the standard of living, that they were unassimilable, and that they were actively engaged in promoting Japanese imperialism. Against this background, pressure for evacuation readily gained momentum. When evacuation was undertaken, it was not due to the conduct of the Japanese subsequent to the outbreak of the war. They were not even charged with treasonable or subversive acts. This policy came as the result of attitudes toward them which had become fixed long before the war. Insistent propaganda had done its work well.

In a situation like this, where rationality on the part of the British Columbians was at a low ebb and the areas to which the evacuees were sent were not well prepared to receive them, there was no well-organized plan for carrying out the program and bungling was inevitable. This resulted in dissatisfaction among the Japanese. They made charges that they were being deliberately persecuted. This feeling was intensified when pressure on the Dominion Government sought to disfranchise the Japanese in all provinces while no such legislation was directed against the Germans or Italians.

After the war the question of repatriation arose. British Columbia was determined that the evacuees should not return. The attacks on the Japanese in this province had been of a piecemeal and sporadic nature, but the evacuation gave rise to a concerted and sustained demand for complete and permanent expulsion. Then, if the Japanese were not good enough for British Columbia, how could they be good enough for any other province? Much discussion arose all over the Dominion. "British justice" would not permit the Nazi method of extinction as applied to the Jews. One of the solutions which gradually came out of the welter was that of deportation to Japan, and rationalizations to justify this procedure gradually evolved. A reason highly laudable to many was that thus there would be sent to Japan a body of Canadian democrats who could assist in reorganizing Japan along democratic lines. Seemingly any kind of

conduct can be justified by comforting rationalizations!

This is a thought-provoking study of the treatment accorded a minority group. There are many similarities between the handling of the Japanese by Canadians and our own treatment of them, but there are also striking differences due to the divergent circumstances.

WILLIAM C. SMITH

Linfield College

KUPER, HILDA. *The Uniform of Colour: A Study of White-Black Relationships in Swaziland*. Pp xii, 160, 32 plates. Johannesburg, South Africa: Witwatersrand University Press, 1947. 15s. Od.

This little book, dealing with problems of race relation and acculturation in the South African territory of Swaziland, is an addendum to the author's comprehensive study, *An African Aristocracy*. While students of race relations may find the present book valuable in itself, for a full appreciation it should be read and studied in connection with the main volume.

Literature dealing with race relations in southern Africa is by no means limited, but this book differs from others in that it deals with a territory under the administration of the British Colonial Office, and not under the control of the Government of the Union of South Africa. It is in this territory that two different "native policies" meet: the official policy of the British Colonial Office proclaiming "the paramountcy of native interests in his own land" and what is known as the native policy of the Union which "is openly directed to maintain white domination" (p. 49).

The impact of both of these policies upon the conservative and nationalistic Swazi is analyzed with special regard to the social and economic life of the territory. The author presents an excellent account of the struggle between European culture, presented by a numerically small minority, and African (Swazi) culture and of the interaction of both cultures upon each other. Many statistical data dealing with such problems as land, labor, wages, crimes, and revenue are presented and special chapters are devoted to the part which

missions and traders are playing in the process of cultural adjustment.

The material for this study was collected during the years 1934-37, that is, more than ten years before its publication. These last ten years with the great economic changes resulting from the war (many Swazi saw service during the war) have no doubt greatly changed the social and economic life of Swaziland. It would therefore be interesting to have the author follow up this study by a new one which would take into account more recent developments.

H. A. WIESCHHOFF

Lake Success, New York

PIERCE, JOSEPH A. *Negro Business and Business Education*. Pp. xiv, 338. New York: Harper & Brothers, 1947. \$4.00.

This is perhaps the most exhaustive study ever made of business enterprise among the American Negroes. It was initiated by Atlanta University and the National Urban League, and carried forward by a grant from the General Education Board. Credit for directing the field work, for interpreting the results, and for publishing them in the present form goes to Dr. Joseph A. Pierce of the faculty of Atlanta University. In directing the investigation Dr. Pierce was assisted by numerous colleagues at his own and other institutions and by several organizations engaged in promoting Negro business.

The study is based upon a survey of 3,866 enterprises owned and operated by Negroes in twelve cities in which the Negro population is concentrated. The survey was made in 1944. Some new developments have occurred since then but they do not appear to be of such magnitude significantly to modify the tenor of Dr. Pierce's conclusions. The topics discussed by the author may be classified, somewhat broadly, as follows: (1) the extent of Negro business and the areas of greatest success; (2) the character of Negro business, which includes a statement of (a) types of ownership, and (b) management and managerial policies; (3) limitations and shortcomings; and (4) the role of formal business education.

In the twelve cities studied Negroes owned and operated ninety-nine types of enterprises. The greatest number occurs in those areas where competition of whites is at a minimum—the personal service fields and to some extent the food groups and eating and drinking places. "Restaurants, beauty shops, barber shops, grocery stores, cleaning establishments, confectionaries, taverns and filling stations account for 71 percent of all the Negro businesses" (p. 34). By any standard whether of capital invested, annual volume of trade, or number of employees, Negro business is very small. Of the enterprises covered the "median initial capital of miscellaneous businesses," which include the 'giants'—casket factories and insurance companies—"was \$999.50; retail stores \$543.73; and service establishments, \$446.38." For 3,866 enterprises the median annual volume of trade was hardly more than \$3,000. Only 4.8 per cent of the enterprises had annual volumes of \$25,000 or more. With respect to number of employees, the 3,674 reporting enterprises gave employment to 11,538 persons, of whom 11,194 received money wages. The average number of persons employed was 3.2 per business. The extent of Negro business can be gauged by the following facts. In 1940, there were over twelve million Negroes in the United States, "yet the total sales of food stores operated by Negroes for 1939 was only \$24,037,000, or less than two dollars per person for that year." Again, the \$723,225, 311 of life insurance carried in 44 Negro companies is hardly one-half the insurance carried by Negroes in a single large white company.

Why is Negro business so limited? The causes are numerous and interrelated. In the first place the Negro businessman is more or less isolated from the general world of business. The isolation is enforced by the country's caste-race attitudes. It confines his operations to a Negro market composed mainly of low income consumers. The character of the market to which he is confined furnishes the Negro businessman with an easy rationalization for inefficient management, shoddy and even slovenly service. Fre-



quently the sole basis of the Negro businessman's appeal for patronage from his people is the idea of racial pride and solidarity. "Trade with me because I am a Negro and cannot expect trade from whites" (p. 25). The author tells us that the "progressive few" have begun to say in substance: "Trade with me because I am a Negro and can serve you as well as others . . ." (*Ibid.*). This reviewer, however, can find little difference in the attitudes expressed in the two statements. Among other shortcomings of Negro business enterprise mentioned by Dr. Pierce are: (1) the failure to keep profit and loss accounts; (2) the failure to take inventories; (3) unsystematic buying and selling methods which result in higher prices to consumers; and (4) the lack of trained personnel. Because of these and other shortcomings and limitations the Negro businessman finds it difficult to raise capital and to meet the competition of white operators who cater to Negro patrons.

The recurring theme in the book is the widespread lack of formal business education among the operators and employees of Negro enterprises. This deficiency, one would gather from the author's statements, is the most important single cause of the internal weakness of Negro enterprises. Dr. Pierce thinks that the remedy is to be found in programs of business training offered by his own and similar institutions. This reviewer would be the last to deny the importance of formal business training in modern industrial life. But he submits that it would be tragic to contribute, unwittingly or otherwise, to the smug faith held by so many Negro youth that an M.A. or Ph.D. degree in business administration is a passport to business success. Business is always something of a gamble. It not only requires the ability to lead and organize but also a high degree of imagination, shrewd calculation of future events, a spirit of adventure, and courage to assume uninsurable risks. Some people possess these qualities while others do not. Those who possess them are usually the employers of those who have formal business training in the absence of these traits. The reviewer does not suggest that these business qualities are innate. But whether

native or acquired, they are evoked by an essentially commercial environment. Where this specific environment is wanting or impaired, as appears to be the case in Negro life, it has somehow to be stimulated.

ABRAM L. HARRIS

The University of Chicago

BROWN, G. GORDON. *Law Administration and Negro-White Relations in Philadelphia*. Pp. 183. Philadelphia: Bureau of Municipal Research of Philadelphia, 1947. No price.

In recent years, the conditions and relations of racial, ethnic, and religious groups have emerged as a vital aspect of social well-being and the orderly functioning of our highly interdependent community life. Public authorities are learning through painful experience that intergroup hostility has become a chronic threat to the security of the community, equal in its importance to the dangers of communicable disease and criminal behavior. The present volume is a tangible evidence that some municipalities, confronted by serious threats to the peace of the community, are resorting to study and analysis of their situations with a view to meeting their responsibilities in line with these newly emergent problems. Philadelphia's Bureau of Municipal Research undertook a study of race relations in that city with a view to illuminating the role of a city government in heightening or aggravating racial tensions and, hence, to chart a course under which the social costs of such tensions might be minimized.

The study is of obvious value to the officials but it is of added significance for the light it sheds upon the conditions which confront governing authorities throughout metropolitan America. The detailed findings, while not new to professional students of social life, are instructive for lay authorities and are an additional evidence of the particular service which social scientists can perform in assembling and developing information necessary to the intelligent formulation and implementation of public policies.

The recommendations toward increasing police efficiency are in accord with the

findings of the study and reflect a similar conclusion by the authorities of other cities. The problems of racial and ethnic tension are such as to require an enlargement of the professional competency of the police authorities. Since the racial and ethnic frontiers of the world are no longer between nations but within nations, the problem of mediating the differences between such groups, however they may arise, has become a matter of municipal law and administration. Correspondingly, the police have become custodians of the public order and the measure of our success in coping with the consequences of racial and ethnic tension will rest largely upon the capacity of the police to act impartially and in accordance with professional standards in mediating any and all groups within the community. The authors of the study are moved to recommend training in race relations for police officers and simultaneously to alert the community by a continuous appraisal of the state of attitudes and tensions within the city. As a final recommendation, the creation of a permanent Public Relations Committee to perform the positive function of promoting mutual understanding by racial groups is urged.

A fruitful role for social science research and scholarship in public affairs is indicated in the publication of this volume. However, the reviewer cannot refrain from remarking upon the singular reliance of the researchers upon census analysis and attitude polling in carrying forward the study. It may be questioned whether the realities of group interpenetration and intergroupal conflict can be expressed as a summation of individual attitudes and opinions. It is of the utmost importance that our surveys and researches in race relations be oriented in accordance with the terms and conditions of individual and group behavior under the circumstances of modern mass society. The reviewer offers the following observation as a clue to a more systematic basis for such research. Present intergroupal research is not adapted to the highly dynamic, mobile, and shifting character of racial relations. These relations are decreasingly a function of formal practices and etiquette. Still less are they governed by the attitudes and opinions of indi-

viduals as such. The interpenetration of racial and ethnic groups is increasingly a function of organized and deliberate interventions, whether in maintaining the status quo or modifying the existing patterns. Fluidity and the intervention of organizations appear more frequently as the two major and controlling conditions of changing race relations. Research directed along these lines may prove helpful to the police and civil authorities in coping with the provocative aspects of minority group relations, as well as contribute to our general fund of scientific knowledge.

JOSEPH D. LOHMAN

University of Chicago

CLARK, TOM C., and PHILIP B. PERLMAN.  
*Prejudice and Property*. Pp. 104. Washington: Public Affairs Press, 1948. \$2.00.

The migration of Negroes to cities at the turn of the century led to municipal and state legislation designed to enforce urban residential segregation. A Baltimore ordinance of 1911 was the pioneer measure. Six years later the Supreme Court, in *Buchanan v. Warley*, struck down legislation of this character as being repugnant to the Fourteenth Amendment. It was at this point that private parties resorted on a large scale to the practice of placing in contracts and deeds restrictive clauses forbidding ownership or occupancy by non-Caucasians. The restrictive racial covenant then became the primary legal weapon used to enforce racial segregation. A "veritable wave of covenantry," a "network of multitudinous private arrangements," and a crazy quilt of "black belts" and Negro ghettos ensued.

State courts generally held these covenants to be valid and enforceable. The Supreme Court's ruling in *Corrigan v. Buckley*, decided in 1926, was widely interpreted as holding that judicial enforcement of these covenants was no violation of the Federal Constitution. However, a significant chapter in this tale of prejudice and property remained to be written.

On May 3, 1948 the Supreme Court, vindicating Justice Harlan's famous dictum that "our Constitution is color blind," announced its decision in the companion

cases *Shelley v. Kraemer* and *McGhee v. Sipes*. The sum of the decision is simply this: Judicial enforcement by state courts of covenants restricting the occupancy or use of real property to Caucasians contravenes the equal protection clause of the Fourteenth Amendment. On the same day the Court, in two additional companion cases, held that judicial enforcement of similar covenants in the District of Columbia violates the Federal Civil Rights Acts.

Racial restrictive covenants are thus reduced to the status of "gentlemen's agreements." Their validity and enforceability are made to depend on the will of the parties concerned. Private parties may, without constitutional objection, impose and honor such restrictions if they wish, but the courts may not lend their aid to enforce these restrictions.

In an excess of enthusiasm the Court's new ruling has been compared to the *Dred Scott* Case, and no less a person than Wesley McCune has termed the comparison "apt." One thing is certain. Although these cases involved private persons, and the Federal Government was not a party, the Department of Justice considered the issues so important that it was moved to intervene as *amicus curiae*. In this capacity it filed a brief with the Court, and the Solicitor General appeared and argued the cases before the Court.

The brief submitted to the Court by Attorney General Clark and Solicitor General Perlman is the book under review. The subtitle of the work reads: "An historic brief against racial covenants—submitted to the Supreme Court." This is an excellent brief—attractively presented, well documented, and clearly written. It is not a mere compilation of restatement of legal authority. This document tells the story of racial covenants and is as much a sociological monograph as it is a legal brief proper. It may be read with ease and with profit by lawyer, sociologist, and layman alike.

One may without strain indulge the conjecture that the earnest and compelling pages of this brief were a measurable influence in the shaping of the Supreme Court's decision on the issues presented.

Concluding mention should be made of Wesley McCune's timely and provocative Foreword to this book.

BERNARD F. CATALDO

University of Pennsylvania

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# INDEX

- ADMINISTRATION OF JUSTICE IN GERMANY,  
 Georg-August Zinn, 32-42
- Agriculture in Germany  
 in the Russian zone, 75-76  
 in western Germany, 76-78  
 Nazi agrarian policy, 74  
 abolition of, desired, 77  
 production in, 74-78  
 suggested program for, 78-79  
 war damages to, 54, 74-75
- Alpirsbach, 152
- American zone  
 denazification statistics in, 50-51  
 oppression in, 5-6  
 political structure in, 5-7
- Ankermüller, cited, 141
- Anouilh, 146
- ARNDT, ADOLF, Status and Development of  
 Constitutional Law in Germany, 1-9
- Attlee, Clement R., 103
- AUERBACH, PHILIPP, Restitution for Victims of  
 Nazi Persecution, 131-136
- Bader, cited, 141
- Barter trade in Germany, 56  
 distorts economic data, 65  
 evaded taxation, 65  
 increased by wage payments in kind, 58  
 origin of, 66
- Barth, Karl, 149, 150
- Bebel, August, 20
- Becker, Carl Heinrich, 165
- Berlin  
 administration of, 9  
 social insurance in, 128-129
- Berneuch, 152
- Beveridge, William Henry, 101  
 cited, 99, 100
- Bibliography, 168-174
- Birth rate in Germany, 100, 104, 129
- Bismarck, Otto von, 20
- Bizonia, *see* Combined Economic Area
- Black market in Germany  
 and crime, 142-143  
 encouraged by wage payments in kind, 58  
 prices, 65  
 produces demoralization, 154
- BLÜCHER, FRANZ, Financial Situation and Cur-  
 rency Reform in Germany, 63-73
- British zone, political structure of, 7
- Brogan, Denis W., cited, 12
- Brunner, Emil, 149, 150
- Bryce, James, 13  
 quoted, 11  
 cited, 12
- BUSCH, FRITZ, Transportation in Postwar  
 Germany, 80-89
- Chamberlain, Neville, 47
- Charles V (Holy Roman emperor), 32
- Churchill, Winston, 3, 45
- Clay, Lucius DuB., 46, 93
- Cohn, Ernst, 1
- Combined Economic Area  
 administrative structure of, 7-8  
 production potential in, 55
- Credit in Germany  
 need for long-term loans, 68  
 restriction of, under currency reform, 66-67
- Crime in Germany  
 changes in types of, 141-143  
 increase in, 140-141  
 juvenile delinquency, 143  
 statistics of, 138-140
- CRIMINAL LAW AND CRIMINALITY IN GERMANY  
 OF TODAY, Adolf Schöнке, 137-143
- Criminal law in Germany  
 under Allied occupation, 137, 139  
 under Nazi regime, 137
- Currency reform in Germany  
 and equalization of war losses, 71-72  
 and the public debt, 64-65  
 as affecting and creating dependent groups,  
 63-64, 67, 115-117  
 as affecting students, 115, 161  
 confidence in, 66  
 conversion quota under, 63-64, 69-70  
 suggested limitation of use of, 69-70  
 suggested preferential treatment of small  
 savings, 70  
 credit policy, 66-67  
 dangers to, 67-68  
 effective date of, 63, 66  
 encourages businessmen to sell, 66  
 encourages will to work, 67-68, 116  
 especially hard on people of small means,  
 70, 71  
 evidences the breakup of Germany, 5  
 is expected to help agriculture, 77  
 purpose of, 64, 66
- Death rate in Germany  
 increase in, 104-105

- Democracy in Germany  
  means of achieving, prescribed by Potsdam agreement, 11-12  
  relation of political parties to, 12-13, 20, 21-22, 31  
  unrealized under occupation, 4
- DEMOGRAPHIC CHANGES IN POSTWAR GERMANY, Heinz Sauermann, 99-107
- DENAZIFICATION, Artur Sträter, 43-52
- Denazification  
  categories for purposes of, 48  
  desired by reliable Germans, 50  
  failure of, 43  
  of refugees, 113  
  of university teachers, 157  
  political corruption in, 49  
  recommendations regarding, 51-52  
  statistics of, in American zone, 50-51  
  unjust policies of, 43, 45-47, 48-51
- DIETZE, CONSTANTIN VON, *The State of German Agriculture*, 74-79
- Dörpinghaus, 28, 30
- Dulles, John Foster, 4
- Ebert, Friedrich, 20
- Economic life in Germany  
  as affected by unbalanced population structure, 105-106  
  breakdown of, 58, 59  
  reasons for, 60-61  
  demoralizing effects of, 57-58, 153-154  
  food scarcity, 4  
  in Soviet zone, 76  
  suggested remedies for, 61-62, 72  
  wasted productive capacity, 59-61  
  wasted working strength, 56-57
- ECONOMIC SITUATION IN GERMANY, THE, Walter Eucken and Fritz W. Meyer, 53-62
- Ehard (Minister-President of Bavaria), 27, 108
- Eisenhower, Dwight D., 4, 5, 14
- Elections in postwar Germany  
  chronological list of, 15-19  
  results of local elections, 29
- Engels, Friedrich, 90
- EUCKEN, WALTER, and FRITZ W. MEYER, *The Economic Situation in Germany*, 53-62
- European Recovery Program  
  attitudes of German labor unions toward, 94  
  incentive of, made possible German currency reform, 73
- Ferrero, Guglielmo, cited, 22
- Fichte, Johann Gottlieb, 156
- FINANCIAL SITUATION AND CURRENCY REFORM IN GERMANY, Franz Blücher, 63-73
- French zone, political structure of, 8
- Furtwängler, Wilhelm, 46
- German guilt  
  German attitudes toward, 150  
  should not be attributed to German people, 3, 45-47
- German people  
  attitude of, toward judges, 37  
  attitude of, toward war-caused burdens, 64, 68  
  attitudes of, toward Nazism, 4, 44, 48, 50  
  belief of, in soundness of saving, 70  
  categories of, re Nazi connections, 48  
  coercion of, by Nazis, 45-46  
  deception of, by Nazis, 3, 44-45  
  demoralization of, 57-58, 153-154  
  held guilty of Nazi wrongs by victors, 45-47, 47  
  not responsible for Nazi regime, 3, 45-46, 47  
  political immaturity of, 48
- GERMAN SOCIAL WELFARE AFTER THE CURRENCY REFORM, Wilhelm Polligkeit, 115-117
- Germany  
  as a national entity, 1, 11  
  territorial loss of, 53, 99, 100-101
- Goebbels, Paul Joseph, 43, 48
- Gollancz, Victor, 49  
  quoted, 43  
  cited, 47, 48
- Grotius, Hugo, 3
- Gürtner, Franz, 45
- Hägele, cited, 140
- Haines, Charles Grove, cited, 32
- HALLSTEIN, WALTER, *The Universities*, 155-167
- Heidegger, Martin, 146
- Hentig, Georg Werner-Otto von, cited, 141
- Hermens, F. A., cited, 26
- Hitler, Adolf, 1, 2, 3, 5, 10, 43, 44, 45, 47, 48, 97, 124, 132, 136, 164
- Hull, Cordell, 3
- Humboldt, Wilhelm von, 156, 161
- Income in Germany, unbalanced by wage payments in kind, 57-58
- Industrial production in Germany  
  Allied policies re, 54  
  low labor productivity, reasons for, 56-58  
  production potential in Bizonia, 55  
  Soviet policies re, 54-55  
  wartime changes in, 53-54  
  wasted productive capacity, 59-61
- Industrialization in Germany  
  rapid growth of, 90
- Infant mortality in Germany, 100, 104
- International trade needed by Germany, 59, 62, 72
- Jackson, Robert, 3
- JÄNICKE, WOLFGANG, *Refugees: Bavaria, 1947*, 108-114



- Judicial administration, *see* Legal system of Germany
- Jünger, Ernst, 146
- Jüttner, cited, 143
- Juvenile delinquency, *see* Crime in Germany
- Kaiser, Jacob, 19
- Keller, Adolf, cited, 151
- Kelsen, Hans, 1, 33
- King-Hall, Stephen  
     quoted, 43  
     cited, 47
- Kogon, Eugen  
     quoted, 43  
     cited, 46
- LABOR AND TRADE UNIONISM IN GERMANY,  
     Fritz Tarnow, 90-98
- Labor unions in Germany  
     attitudes of, toward Marshall plan, 94  
     favor a planned economy, 94-98  
     in Soviet zone, 94  
     obstacles to national organization, 93-94  
     occupation policies toward, 92-93  
     political affiliations of, 91  
     postwar development of, 93  
     socialist ideals of, 90-91, 94-98  
     under Nazi regime, 91-92  
     underground resistance of, 91-92  
     zonal distribution of membership, 93
- Lauterpacht, Hersch, 1
- Law, *see* Criminal law in Germany; Legal system of Germany; Status and Development of Constitutional Law in Germany
- Legal status of Germany, 1-5
- Legal system of Germany  
     as influenced by Roman law, 32  
     codification of law, 33  
     constitutional courts, 36  
     legal training, 38-39  
     position of the judge, 37-38  
     power of precedent, 34-35  
     relation of law and right, 32, 34  
     scattering of judicial authority, 35-36  
     structure of judicial system, 39-42  
     supremacy of statutory law, 33-34  
     unification desired, 42  
     *See also* Criminal law in Germany; Status and Development of Constitutional Law in Germany
- Lemmer, Ernst, 19
- Leuschner, Wilhelm, 91
- Lieb knecht, Wilhelm, 20
- LIST OF POLITICAL, LEGAL, AND ECONOMIC JOURNALS, A, Josef Mackert, 168-174
- Lloyd George, David, quoted, 47
- MACKERT, JOSEF, A List of Political, Legal, and Economic Journals, 168-174
- Malthus, Thomas Robert, 101
- Mann, F. A., 1
- Manpower in Germany  
     lack of labor potential, 53, 64, 101-102, 103, 105, 116  
     wartime shift from agriculture to industry, 54
- Marshall plan, *see* European Recovery Program
- Marx, Karl, 90
- Mayer, Ernst, 30
- Meiser, Hanns, 151
- Metternich, Klemens von, 162
- MEYER, FRITZ W., *see* Eucken, Walter, jt. author
- Migration  
     emigration would not help Germany, 107  
     internal, in Germany, 106
- Moeser, H., cited, 101
- Morale in Germany  
     courageous, 64, 68  
     low, 57-58, 153-154
- Müller, Eberhard, 152
- National Socialist regime  
     aided by foreigners, 47-48  
     deceptive tactics of, 3, 44-45, 48  
     illegality of, 2-3
- Nationalism versus internationalism, 1-2
- Neidhard, cited, 139
- Niemöller, Martin, 150
- Occupation of Germany  
     as a trusteeship, 3-4  
     money costs of, 72  
     unjust administration under, 46-47  
     violation of trusteeship principle, 4-5
- Ollenhauer, Erich, quoted, 24
- Oppenheim, Lassa Francis Lawrence, 1
- Paechter, Heinz, cited, 74
- Pakenham (Lord), quoted, 3
- PARTIES AND PARTY SYSTEMS IN POSTWAR GERMANY, Dolf Sternberger, 10-31
- Peters, cited, 143
- Planned economy  
     desired by German labor unions, 94-98  
     evils of, 60-61  
     requires large number of government employees, 68
- Political and administrative structure of Germany  
     coalition government, 25-28  
     chronological development of, 14-19  
     in American zone, 5-7, 26  
     in Berlin, 9  
     in British zone, 7  
     in Combined Economic Area, 7-8  
     in French zone, 8  
     in Soviet zone, 8-9  
     proportional representation, 26

- Political parties  
 functions of, 11, 12-13, 25-26  
 in postwar Germany  
 antifascist solidarity among, 22  
 as filling government posts, 25  
 as related to democracy, 12-13, 20, 21-22, 31  
 as related to national structure, 10-13, 25-30  
 background of, 20-21  
 chronological development of, 14-19  
 coalition among, 25-28  
 difference between eastern and western zones, 23, 24-25  
 embryonic character of, 12-13  
 emphasis on party unity, 24  
 extent of membership of, 30  
 in Soviet zone, 8, 22-23  
 in western Germany, 23-24  
 names of, 20  
 spheres independent of, 28-29  
 spheres of influence of, 28  
 test of democracy in, 13, 20  
 unprecedented situation of, 11  
 traditional position of, 10-11
- POLLIGKEIT, WILHELM, German Social Welfare After the Currency Reform, 115-117
- Population of Germany  
 age structure of, 53, 101-105  
 and population density, prewar and present, 53, 106  
 emigration would not help, 107  
 future decline in, 104-105  
 lack of labor potential in, 53, 64, 101-102, 103, 105, 116  
 overcrowding of, 53, 100-101, 153  
 sex ratio in, 103, 129  
 transfers of, to Germany, 53, 64, 100  
 urban-rural distribution of, 106  
 war losses, 53, 100, 103  
 wartime and postwar changes in, 99-104  
 zonal variations in, 106-107
- Press, the, in postwar Germany  
 and political parties, 29  
 restrictions on, 5
- Price/Zizeck, H. T., cited, 101
- Price structure in Germany  
 faulty, 60  
 under Nazis, 74
- Production, *see* Agriculture; Industrial production
- Property in Germany  
 confiscation of, for equalization of war losses, 71-72  
 land reform in Russian zone, 75  
 land reform in western Germany, 76  
 Nazi restrictions on, 74  
 reallocation of farmlands, 79  
 redemption of, for Nazi victims, 135-136
- Public debt and the currency reform in Germany, 64-65
- Public welfare, *see* Social welfare in Germany
- Public works in Germany  
 as means of creating employment, 68  
 need for, 68
- Raw materials  
 imports of, needed, 59  
 waste of, 59
- Refugees and deportees in Bavaria  
 economic re-establishment of, 111-113  
 expenditures for, 110-111  
 household supplies for, 113-114  
 housing for, 108  
 institutions for, 111  
 number of, 108  
 refugee administration: organization and structure of, 108-109, 114  
 Refugee Law and Regulations, 109-110  
 reuniting of families, 108
- REFUGEES: BAVARIA, 1947, Wolfgang Jänicke, 108-114
- RELIGION IN GERMANY, Helmut Thielicke, 144-154
- RESTITUTION FOR VICTIMS OF NAZI PERSECUTION, Philipp Auerbach, 131-136
- Religion in Germany  
 attitudes of youth toward, 146, 147, 149  
 Catholic points of appeal, 152  
 Catholic-Protestant relationships, 152-153  
 growth of anthroposophy and sects, 147-149  
 mass indifference to, 144  
 Nazi substitute for, 145-146  
 present tendencies of nihilists, 146-147  
 Protestant characteristics, 149-152  
 religious panic caused by collapse of Germany, 144-145  
 situations peculiar to Germany, 153-154  
 zonal differences in, 153-154
- Resistance movement in Germany, 3, 21  
 labor union activities and plans, 91-92
- Reusch (German industrialist), 97
- Reuter (Professor), 9
- Robertson (General), 2
- Roosevelt, Franklin D., 3
- Röpke, W., quoted, 47
- Rosenberg, Alfred, 145
- Russian zone, *see* Soviet zone
- Satre, Jean Paul, 146
- SAUERMANN, HEINZ, Demographic Changes in Postwar Germany, 99-107
- Sausser-Hall, Georges, 1, 3, 4
- Scheidemann, Philipp, 20
- Schleiermacher, Friedrich, 156
- SCHÖNKE, ADOLF, Criminal Law and Criminality in Germany of Today, 137-143
- Schönke, Adolf, cited, 137

- Schulz-Wittuhn, G., cited, 87  
 Shukow (Marshal), 14, 23  
 SOCIAL INSURANCE IN GERMANY, Rudolf Wis-  
 sell, 118-130  
 Social insurance in Germany  
   adjudication of, 127-128  
   after World War II, 128-129  
   general coverage, 119  
   historical development of, 118-119  
   industrial accident insurance, 121-123  
   invalidity and old age insurance, 123-124  
   miners insurance, 125-126  
   salaried employees insurance, 126-127  
   self-administration of, 119-120  
   sickness insurance, 120-121  
   *See also* Social welfare in Germany  
 Social structure of Germany  
   and academic opportunity, 160  
   as affected by demographic changes, 105-  
   106  
   historic, 90  
   new class formed by distorted income struc-  
   ture, 58  
 Social welfare in Germany  
   as affected by currency reform, 115-117  
   excessive burden of, 64, 68, 116, 129-130  
   recommendations for, 117  
   *See also* Social insurance in Germany  
 Sokolovski, V. D., 94  
 Soviet zone  
   administered largely to secure reparations,  
   94  
   agriculture and "land reform" in, 75-76  
   educational policies in, 160  
   policies in, re industry, 54-55  
   policies in, re labor, 94  
   political and administrative structure of,  
   8-9  
   political parties in, 8, 22-23  
   social insurance in, 128  
   status of the church in, 153-154  
 STATE OF GERMAN AGRICULTURE, THE, Con-  
 stantin von Dietze, 74-79  
 Stäter, 131  
 STATUS AND DEVELOPMENT OF CONSTITUTIONAL  
 LAW IN GERMANY, Adolf Arndt, 1-9  
 Steiner, Rudolf, 147, 148  
 STERNBERGER, DOLF, Parties and Party Sys-  
 tems in Postwar Germany, 10-31  
 STRÄTER, ARTUR, Denazification, 43-52  
 Sylvester, A. J., cited, 47  
 TARNOW, FRITZ, Labor and Trade Unionism  
   in Germany, 90-98  
 Taxation in Germany  
   burdensome, 65, 156  
   evaded through wage payments in kind and  
   barter trade, 58, 65  
 THIELICKE, HELMUT, Religion in Germany,  
 144-154  
 Thielicke, Helmut, cited, 152  
 Transportation in Germany  
   air traffic, 89  
   capacity not equal to demand, 80  
   highway transportation, 87-88  
   hindered by zonal partition, 80  
   inland shipping, 85-87  
   ocean shipping, 88-89  
   organization of, 80-81  
   planning of, 81-82  
   prospects for, 89  
   railroads, 82-85  
   streetcars, 88  
   war damages to, 80  
 TRANSPORTATION IN POSTWAR GERMANY, Fritz  
 Busch, 80-89  
 Unemployment, threat of, 67  
 Universities in Germany  
   administration of, 161-162, 165  
   and social stratification, 160  
   as affected by World War II, 156  
   characteristics of, 155-156  
   cultural responsibilities of, 166  
   freedom of, essential, 164-165  
   international exchanges in, 166-167  
   list of, at end of World War II, 155  
   reform of, under military government, 163  
   relation of, to government, 163-164, 165-  
   166  
   resist party-political influences, 29  
   students  
     as affected by currency reform, 115, 161  
     characteristics of, 160-161  
     criteria of admission of, 159-160  
     oversupply of, 158, 160  
     student groups, 166  
   teaching staff  
     denazification of, 157  
     hardships of, 158  
     quality of, 158  
     sources of, 157-158  
   under the Nazis, 162-163  
 UNIVERSITIES, THE, Walter Hallstein, 155-167  
 Victims of Nazi persecution  
   basis of claims of, 133-134  
   black market sale of claims, 143  
   business disabilities of, 135  
   legislation for, 131-132, 133  
   organized aid for, 131  
   property redemption for, 135-136  
   sources of funds for, 132, 134  
   uses of funds for, 134-135  
 Wage payments in kind  
   not taxable, 58  
   unbalance income, 57-58

- War losses and damages in Germany  
  equalization of: methods and implications  
    of, 71-72  
  population loss, 53, 100, 103  
  productive capacity lost, 53  
  territorial loss, 53  
  to agriculture, 54, 74-75  
  to consumer goods industries, 54  
  to transportation, 80, 82, 86, 87, 88  
  to universities, 156
- Warburg, James P., 2  
Weber, Max, 11, 25; quoted, 10  
WISSELL, RUDOLF, Social Insurance in Ger-  
  many, 118-130  
Wittich, K., cited, 79
- Zbinden, 2  
ZINN, GEORG-AUGUST, Administration of Jus-  
  tice in Germany, 32-42  
Zinn, Georg-August, 4

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